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Re: **REQUEST UNDER FREEDOM OF INFORMATION ACT/
Expedited Processing Requested**

To Whom it May Concern:

This letter constitutes a request ("Request") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, the Department of Defense implementing regulations, 32 C.F.R. § 286.1 *et seq.*, the Department of Justice implementing regulations, 28 C.F.R. § 16.1 *et seq.*, the Department of State implementing regulations, 22 C.F.R. § 171.1 *et seq.*, and the Central Intelligence Agency implementing regulations, 32 C.F.R. § 1900.01 *et seq.* The Request is submitted by the American Civil Liberties Union Foundation and the American Civil Liberties Union (collectively, the "ACLU").¹

¹ The American Civil Liberties Union is a national organization that works to protect civil rights and civil liberties. Among other things, the ACLU advocates for national security policies that are consistent with the Constitution, the rule of law, and

This Request seeks records pertaining to the detention and treatment of prisoners held at the Bagram Theater Internment Facility at Bagram Airfield in Afghanistan ("Bagram"), including records concerning the process afforded these prisoners to challenge their detention and designation as "enemy combatants."

Recent news reports suggest that the U.S. government is detaining more than 600 individuals at Bagram. *See, e.g.,* Charlie Savage, *Judge Rules Some Prisoners at Bagram Have Right of Habeas Corpus*, N.Y. Times, Apr. 3, 2009 ("The United States government is holding about 600 people at Bagram without charges and in spartan conditions."). The Bagram prison population includes not only Afghan citizens captured in Afghanistan but also an unknown number of foreign nationals captured outside of Afghanistan but held at Bagram as suspected terrorists or "enemy combatants." *See* R. Jeffrey Smith, *Obama Follows Bush Policy on Detainee Access to Courts*, Wash. Post, Apr. 11, 2009. Some of these prisoners have been detained for as long as six years. *See* James Vicini, *Judge Rules Afghan Detainees Can Sue in U.S. Court*, Reuters, Apr. 2, 2009. Bagram prisoners are not permitted any access to counsel, *see* Warren Richey, *Terror Suspects Held in Afghanistan May Challenge Their Detention*, Christian Science Monitor, Apr. 3, 2009, and only recently have been permitted any contact with their family, *see* Fisnik Abrashi, *U.S. Allows First Family Visits to Afghan Prison*, Assoc. Press, Sept. 23, 2008; Carlotta Gall, *Video Link Plucks Afghan Detainees From Black Hole of Isolation*, N.Y. Times, Apr. 13, 2008.

Bagram prisoners reportedly receive an even less robust and meaningful process for challenging their detention and designation as "enemy combatants" than the process afforded prisoners at the U.S. Naval Base at Guantanamo Bay ("Guantanamo") – a process the U.S. Supreme Court declared unconstitutional last year. *See* Daphne Eviatar, *Judge Rules Bagram Detainees Can Appeal to U.S. Courts*, Wash. Independent, Apr. 3, 2009. Indeed, a federal judge recently observed that the "process at Bagram falls well short of what the Supreme Court found inadequate at Guantanamo." *Al Maqaleh v. Gates*, --- F.Supp.2d ----, 2009 WL 863657, * 19 (D.D.C. Apr. 2, 2009). Moreover, there is public concern that the U.S. government is holding many prisoners at Bagram, rather than at Guantanamo, specifically to avoid any judicial review of their detentions in U.S. courts. Editorial, *The Next Guantanamo*, N.Y. Times, Apr. 12, 2009 ("the evidence suggests it was the prospect that Guantánamo

fundamental human rights. The ACLU also educates the public about U.S. national security policies and practices, including those pertaining to the detention, treatment, and process afforded suspected terrorists and alleged "enemy combatants" held in U.S. custody since the 9/11 terrorist attacks.

detentions might be subject to judicial oversight that caused the military to divert captives to Bagram instead”).

Media reports suggest that the conditions of confinement at Bagram are primitive and that abuse and mistreatment of prisoners was once, and may still be, widespread. *See, e.g.,* Daphne Eviatar, *Judge Rules Bagram Detainees Can Appeal to U.S. Courts*, Wash. Independent, Apr. 3, 2009; William Fischer, *Afghan Prison Looks Like Another Guantanamo*, Inter Press Service, Jan. 14, 2008 (“a recent confidential report from the International Committee of the Red Cross (ICRC) has reportedly complained about continued mistreatment of prisoners . . . massive overcrowding, ‘harsh’ conditions, lack of clarity about the legal basis for detention, prisoners held ‘incommunicado’, in ‘a previously undisclosed warren of isolation cells,’ and ‘sometimes subjected to cruel treatment’”). At least two Bagram prisoners have died while in U.S. custody; Army investigators concluded that these deaths were homicides. *See* Tim Golden, *In U.S. Report, Brutal Details of 2 Afghan Inmates’ Deaths*, N.Y. Times, May 20, 2005.

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The U.S. government’s Bagram detention facility has been the focus of widespread media attention and public concern for many years. Despite that attention, however, very little information about the facility – or the prisoners held there – has been made public. *See, e.g.,* Charlie Savage, *Judge Rules Some Prisoners at Bagram Have Right of Habeas Corpus*, N.Y. Times, Apr. 3, 2009 (“United States officials have never provided a full accounting of the prison population”); R. Jeffrey Smith, *Obama Follows Bush Policy on Detainee Access to Courts*, Wash. Post, Apr. 11, 2009 (“The government has not said publicly how many of the approximately 600 people detained there are non-Afghans”); William Fisher, *U.S. Judge Gives Bagram Prisoners Right to Appeal*, Inter Press Service, Apr. 3, 2009 (“the U.S. has not released details of who is held there”); Tim Golden and Eric Schmitt, *A Growing Afghan Prison Rivals Bleak Guantánamo*, N.Y. Times, Feb. 26, 2006 (“Bagram has operated in rigorous secrecy since it opened in 2002”). The American public remains ill-informed about even the most basic facts about Bagram, including, for example, many of the policies and rules that govern the U.S. government’s detention of hundreds of people there; who precisely is being detained there, for how long, and on what basis; where and under what circumstances these prisoners were captured; whether the prisoners have a meaningful opportunity for challenging their (often prolonged) detention; whether that process meets the standards required by international, domestic, and military law; and whether any prisoners have successfully challenged their detentions through the existing status determination process.

Public attention to Bagram has recently intensified significantly. Earlier this month, a federal judge ruled that some prisoners at Bagram can challenge their detention in U.S. courts. *See* Charlie Savage, *Judge Rules Some Prisoners at Bagram Have Right of Habeas Corpus*, N.Y. Times, Apr. 3, 2009. This ruling has led to renewed scrutiny of the U.S. government's actions at Bagram and fierce speculation about whether the Obama Administration will deviate from Bush Administration policies and practices at Bagram. *See, e.g.*, R. Jeffrey Smith, *Obama Follows Bush Policy on Detainee Access to Courts*, Wash. Post, Apr. 11, 2009; *Obama to Appeal Detainee Ruling*, N.Y. Times, Apr. 10, 2009; David G. Savage, *Some Prisoners at Bagram Air Base Can Challenge Detentions, Judge Rules*, L.A. Times, Apr. 3, 2009 ("The prison at the Afghan base was being expanded during the last year of the Bush administration, leading some to predict that the Pentagon would resolve its Guantanamo problem by sending more inmates to Bagram . . . a spokesman said the [Obama] administration was taking 180 days to decide on its prison policy.").

In short, there is renewed public concern that Bagram has become, in effect, the new Guantanamo. *See, e.g.*, Editorial, *The Next Guantanamo*, N.Y. Times, Apr. 12, 2009.

Requested Records

1. All records, including logs, charts, or lists, pertaining to the number of people currently detained at Bagram.
2. All records, including logs, charts, or lists, pertaining to the names of individuals currently detained at Bagram.
3. All records, including logs, charts, or lists, pertaining to the citizenship of individuals currently detained at Bagram.
4. All records, including logs, charts, or lists, pertaining to date of capture and length of detention of individuals currently detained at Bagram.
5. All records, including logs, charts, or lists, pertaining to the places and circumstances of capture of individuals currently detained at Bagram.
6. All records created after September 11, 2001, pertaining to the rendition and/or transfer of individuals captured outside Afghanistan to Bagram, including memoranda, correspondence, procedures, policies, directives, guidance, or guidelines concerning when, why, and under what circumstances prisoners seized outside Afghanistan should be detained at Bagram rather than being brought to the United States, handed over to another country, or detained by the United States at

Guantanamo Bay or some other detention facility outside of Afghanistan.

7. All records created after September 11, 2001, including memoranda, correspondence, procedures, policies, directives, practices, guidance, or guidelines, as well as agreements, accords, contracts, correspondence, and memoranda, between the U.S. the and Afghan government, pertaining to the detention at Bagram of individuals captured in Afghanistan, and when, how, and why the determination is made by the United States to detain Afghan citizens at Bagram rather than at prisons or other facilities operated or controlled by the Afghan government.
8. All records created after September 11, 2001, pertaining to the process for determining and reviewing Bagram prisoners' status, the process for determining whether their detention is appropriate, and the process for determining who should be released, including but not limited to:
 - A. Any memoranda, correspondence, procedures, policies, directives, practices, guidance, or guidelines concerning the development and operation of the status review process, as well as changes to that process over time.
 - B. Any memoranda, correspondence, procedures, policies, directives, practices, guidance, or guidelines concerning whether prisoners should be given access to or denied access to counsel or another representative.
 - C. Any memoranda, correspondence, procedures, policies, directives, practices, guidance, or guidelines concerning: the provision or withholding of notice to prisoners of the basis for their detention; the composition of the Unlawful Enemy Combatant Review Board ("UECRB"); the convening of or decision not to convene an UECRB; the kinds of evidence to be reviewed by the UECRB; the standard employed to determine whether detention is appropriate; the prisoner's opportunity to submit written statements or other evidence to the UECRB; the prisoner's opportunity to rebut the government's evidence or question government witnesses; the presentation or consideration of exculpatory evidence; the prisoner's opportunity to attend any UECRB hearing; the prisoner's access to any written decisions, determinations, or rulings by the UECRB; the use of or access to interpreters at any UECRB hearing and access to translations of any written evidence or written decisions, determinations, or rulings of the UECRB; any appeal or higher-level review of UECRB

determinations or the final determinations of the final decision-maker; any annual or periodic review of the prisoners' status after the initial determination is made.

- D. Any written notices provided to prisoners at Bagram regarding the basis for their detention.
 - E. Any transcripts of UECRB proceedings or any other proceeding that occurs during the status determination and review process.
 - F. Any evidence considered in UECRB proceedings or any other proceeding that occurs during the status determination and review process including written statements provided by the detainees and unclassified summaries of the government's evidence.
 - G. Any written decisions, determinations, or rulings issued by the UECRB, the commanding officer, or the final decision-maker.
 - H. Any written decisions, determinations, or rulings issued in the course of any appeal process or in the course of periodic reviews of the initial UECRB determination.
9. All records, including agreements, accords, contracts, correspondence, memoranda, policies, guidelines, or directives between U.S. and Afghan government officials created after September 11, 2001, pertaining to the transfer of Afghan prisoners detained at Bagram to Afghan facilities or Afghan custody; and the release of Afghan prisoners to the Afghan government, into Afghan reconciliation programs, or back into Afghan society.
10. All records created after September 11, 2001, pertaining to the treatment of and conditions of confinement for prisoners detained at Bagram, including but not limited to memoranda, correspondence, procedures, policies, directives, guidance, or guidelines, investigatory records, disciplinary records, medical records, and autopsy reports.²

II. Application for Expedited Processing

We request expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E); 22 C.F.R. § 171.12(b); 28 C.F.R. § 16.5(d); 32 C.F.R. § 286.4(d)(3); and 32 C.F.R. § 1900.34(c). There is a "compelling need"

² To the extent that records responsive to this Request have already been processed in response to ACLU FOIA requests submitted on October 7, 2003 and May, 25, 2004, the ACLU is not seeking those records here.

for these records because the information requested is urgently needed by an organization primarily engaged in disseminating information in order to inform the public about actual or alleged Federal government activity. 5 U.S.C. § 552(a)(6)(E)(v); *see also* 22 C.F.R. § 171.12(b)(2); 28 C.F.R. § 16.5(d)(1)(ii); 32 C.F.R. § 286.4(d)(3)(ii); 32 C.F.R. § 1900.34(c)(2). In addition, the records sought relate to a “breaking news story of general public interest.” 22 C.F.R. § 171.12(b)(2)(i); 32 C.F.R. § 286.4(d)(3)(ii)(A); *see also* 28 C.F.R. § 16.5(d)(1)(iv) (providing for expedited processing in relation to a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence”).

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The ACLU is “primarily engaged in disseminating information” within the meaning of the statute and regulations. 5 U.S.C. § 552(a)(6)(E)(v)(II); 22 C.F.R. § 171.12(b)(2); 28 C.F.R. § 16.5(d)(1)(ii); 32 C.F.R. § 286.4(d)(3)(ii); 32 C.F.R. § 1900.34(c)(2). Dissemination of information to the public is a critical and substantial component of the ACLU’s mission and work. *See ACLU v. Dep’t of Justice*, 321 F. Supp. 2d 24, 30 n.5 (D.D.C. 2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information” (internal citation omitted)). Specifically, the ACLU publishes newsletters, news briefings, right-to-know documents, and other educational and informational materials that are broadly circulated to the public. Such material is widely available to everyone, including individuals, tax-exempt organizations, not-for-profit groups, law students and faculty, for no cost or for a nominal fee. The ACLU also disseminates information through its heavily visited website, www.aclu.org. The website addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused.

The ACLU website specifically includes features on information obtained through the FOIA. *See, e.g.,* www.aclu.org/torturefoia; <http://www.aclu.org/olcmemos/>; <http://www.aclu.org/safefree/torture/csrtfoia.html>; <http://www.aclu.org/natsec/foia/search.html>; <http://www.aclu.org/safefree/nsaspying/30022res20060207.html>; www.aclu.org/patriotfoia; www.aclu.org/spyfiles; <http://www.aclu.org/safefree/nationalsecurityletters/32140res20071011.html>; www.aclu.org/exclusion. For example, the ACLU’s “Torture FOIA” webpage, www.aclu.org/torturefoia, contains commentary about the ACLU’s FOIA request, press releases, analysis of the FOIA documents, an advanced search engine permitting webpage visitors to search the

documents obtained through the FOIA, and advises that the ACLU in collaboration with Columbia University Press has published a book about the documents obtained through the FOIA. Jameel Jaffer & Amrit Singh, *Administration of Torture: A Documentary Record from Washington to Abu Ghraib and Beyond* (Columbia Univ. Press 2007). The ACLU also publishes an electronic newsletter, which is distributed to subscribers by e-mail. Finally, the ACLU has produced an in-depth television series on civil liberties, which has included analysis and explanation of information the ACLU has obtained through the FOIA. The ACLU plans to analyze, and disseminate to the public the information gathered through this Request. The records requested are not sought for commercial use and the Requesters plan to disseminate the information disclosed as a result of this Request to the public at no cost.³

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Furthermore, the records sought directly relate to a breaking news story of general public interest that concerns actual or alleged Federal government activity; specifically, the records sought relate to the U.S. government's detention and treatment of suspected terrorists and alleged "enemy combatants" at Bagram, as well as their transfer or rendition to Bagram from other countries. The records sought also relate to the process the U.S. government affords Bagram prisoners to challenge the basis for their detention and designation as "enemy combatants" including whether that process is meaningful, and whether it departs in any way from the process typically required by the Geneva Conventions and Army Regulation 190-8. See 22 C.F.R. 171.12(b)(2)(i); 32 C.F.R. § 286.4(d)(3)(ii)(A); 28 C.F.R. § 16.5(d)(1)(ii); 32 C.F.R. § 1900.34(c)(2). For the same reasons, the records sought also relate to a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 28 C.F.R. § 16.5(d)(1)(iv).

A recent court ruling that some prisoners at Bagram can challenge their detention in U.S. courts has sparked widespread media interest in and public concern about the U.S. government's practices at Bagram. See, e.g., Andy Worthington, *Justice Extends to Bagram, Guantanamo's Dark Mirror*, Counterpunch.org, Apr. 6, 2009; Charlie Savage, *Judge Rules Some Prisoners at Bagram Have Right of Habeas Corpus*, N.Y. Times, Apr. 3, 2009; David G. Savage, *Some Prisoners at Bagram Air Base Can Challenge Detentions, Judge Rules*, L.A. Times, Apr. 3, 2009; Nina Totenberg, *Ruling: Afghan Detainees Granted Habeas Corpus*, Nat'l Pub.

³ In addition to the national ACLU offices, there are 53 ACLU affiliate and national chapter offices located throughout the United States and Puerto Rico. These offices further disseminate ACLU material to local residents, schools, and organizations through a variety of means, including their own websites, publications, and newsletters. Further, the ACLU makes archived material available at the American Civil Liberties Union Archives at Princeton University Library.

Radio, Apr. 3, 2009; Daphne Eviatar, *Judge Rules Bagram Detainees Can Appeal to U.S. Courts*, Wash. Independent, Apr. 3, 2009; Kim Landers, *Terrorism Suspects 'Can Challenge Afghan Detention'*, ABCNews.com, Apr. 3, 2009; William Fisher, *U.S. Judge Gives Bagram Prisoners Right to Appeal*, Inter Press Service, Apr. 3, 2009; Bill Mears, *Terror Suspects in Afghanistan Can Sue in U.S. Courts, Judge Rules*, CNN.com, Apr. 2, 2009; Ari Shapiro, *Terror Suspects to Gain Access to U.S. Courts*, Nat'l Pub. Radio, Apr. 2, 2009; Warren Richey, *Terror Suspects Held in Afghanistan May Challenge Their Detention*, Christian Sci. Monitor, Apr. 3, 2009; *Judge: 3 Can Challenge Detention at Bagram*, United Press Int'l, Apr. 2, 2009; James Vicini, *Judge Rules Afghan Detainees Can Sue in U.S. Court*, Reuters, Apr. 2, 2009; Daphne Eviatar, *Bagram Ruling Portends More Challenges to Obama Detention Policy in Afghanistan*, Wash. Independent, Apr. 2, 2009; *Inmates at Afghan Prison Can Challenge Detention*, AFP, Apr. 2, 2009; Nedra Pickler, *Judge: Bagram Prisoners Can Challenge Detention*, Assoc. Press, Apr. 2, 2009; Josh Gerstein, *Judge OKs Suits by Some Held by U.S. in Afghanistan*, Politico.com, Apr. 2, 2009; Marc Ambinder, *Judge: The Great Writ May Apply at Bagram*, TheAtlantic.com, Apr. 2, 2009; Lyle Denniston, *Major Extension of Boumediene*, Scotusblog.com, Apr. 2, 2009.

Public interest in Bagram has also recently intensified significantly due to speculation about what the Obama administration will do with the hundreds of people imprisoned there and whether it will craft new policies to govern Bagram detentions. See, e.g., Michael Scherer, *Civil Liberties Advocates Dismayed at Obama's Recent Moves*, Time, Apr. 21, 2009; Josh Gerstein, *Legal Left Cools Toward Obama*, Politico.com, Apr. 14, 2009; Glenn Greenwald, *An Emerging Progressive Consensus on Obama's Executive Power and Secrecy Abuses*, Salon.com, Apr. 13, 2009; *The Rachel Maddow Show* (MSNBC television broadcast Apr. 13, 2009) (transcript available at <http://www.msnbc.msn.com/id/30210708/>); Glenn Greenwald, *Obama and Habeas Corpus – Then and Now*, Salon.com, Apr. 11, 2009; Stuart Taylor Jr., *A Judicial Decision That Plagues Obama*, Nat'l Journal, Apr. 11, 2009; Del Quentin Wilber, *A Plea to Obama from Father of Detainee*, Wash. Post, Apr. 9, 2009; Bruce Fein, *Czar Obama: The President's Incredibly Imperialist Wielding of Executive Power*, Slate.com, Apr. 9, 2009; Andy Worthington, *Justice Extends to Bagram, Guantanamo's Dark Mirror*, Counterpunch.org, Apr. 6, 2009; Charlie Savage, *Judge Rules Some Prisoners at Bagram Have Right of Habeas Corpus*, N.Y. Times, Apr. 3, 2009; David G. Savage, *Some Prisoners at Bagram Air Base Can Challenge Detentions, Judge Rules*, L.A. Times, Apr. 3, 2009; Bill Mears, *Terror Suspects in Afghanistan Can Sue in U.S. Courts, Judge Rules*, CNN.com, Apr. 2, 2009; Daphne Eviatar, *Bagram Ruling Portends More Challenges to Obama Detention Policy in Afghanistan*, Wash. Independent, Apr. 2, 2009; see also William Fisher, *U.S. Judge Gives Bagram Prisoners Right to Appeal*, Inter Press Service,

Apr. 3, 2009 (“Some critics of Obama administration detention policy have begun calling Bagram ‘Obama’s GITMO,’ charging that the new president is shipping detainees to the Afghan prison to evade the Supreme Court’s ruling giving habeas corpus rights to prisoners at Guantanamo.”).

In the past few weeks, numerous editorial boards have called for change on Bagram policy. *See* Editorial, *The Next Guantanamo*, N.Y. Times, Apr. 13, 2009; Editorial, *Obama Should Define Rights of Suspected Terrorists Held by U.S. Abroad*, L.A. Times, Apr. 9, 2009; Editorial, *The Constitution’s Reach*, Wash. Post, Apr. 7, 2009; *see also* Marie Cocco, *The Father of Guantanamo*, Truthdig.com, Apr. 8, 2009; Editorial, *A Reckoning at Bagram*, Wash. Post, Mar. 7, 2009; Editorial, *Overreach at Bagram*, Wash. Post, Jan. 7, 2009. Some editorial boards have criticized Judge Bates’ ruling. *See, e.g.*, Editorial, *Off Base on Terror*, N.Y. Daily News, Apr. 4, 2009; Editorial, *Imperial Judiciary Goes Global*, Nat’l Review, Apr. 3, 2009.

The Obama administration’s recent decision to quickly appeal the Bagram ruling sparked another round of intense media coverage. *See, e.g.*, Daphne Eviatar, *Obama Bungles Bagram*, Wash. Independent, Apr. 13, 2009; Josh Gerstein, *DOJ: Courts Could Harm Afghan Effort*, Politico.com, Apr. 12, 2009; R. Jeffrey Smith, *Obama Follows Bush Policy on Detainee Access to Courts*, Wash. Post, Apr. 11, 2009; *Obama Sticks to Bush Detainee Policy*, United Press Int’l, Apr. 11, 2009; Marc Ambinder, *Obama Appeals Bagram Detainee Ruling*, TheAtlantic.com, Apr. 11, 2009; Glenn Greenwald, *Obama and Habeas Corpus – Then and Now*, Salon.com, Apr. 11, 2009; Lyle Denniston, *U.S. Resists Rights at Bagram*, Scotusblog.com, Apr. 11, 2009; *Obama to Appeal Detainee Ruling*, N.Y. Times, Apr. 10, 2009. Public speculation about whether the Obama administration will alter Bagram policy continues despite the decision to appeal the Bagram ruling. *See, e.g.*, R. Jeffrey Smith, *Obama Follows Bush Policy on Detainee Access to Courts*, Wash. Post, Apr. 11, 2009 (“officials said that [appeal] did not foreclose a change of heart after the completion in July of a comprehensive review of detainee policy”); Lyle Denniston, *U.S. Resists Rights at Bagram*, Scotusblog.com, Apr. 11, 2009 (“The future of Bagram detainees is one of the issues now being reviewed by a task force studying detainee policy worldwide.”).

Indeed, the U.S. government’s Bagram detention facility has been the focus of widespread and consistent media attention and public concern for many years. *See, e.g.*, Charlie Savage, *Obama Upholds Detainee Policy in Afghanistan*, N.Y. Times, Feb. 21, 2009; Eric Schmitt, *Afghan Prison Poses Problem in Overhaul of Detainee Policy*, N.Y. Times, Jan. 26, 2009; Dan Efron, *The Gitmo Dilemma - Four Reasons Obama Won’t Close the Controversial Prison Soon*, Newsweek, Nov. 7, 2008; *How Bagram Destroyed Me*, BBC News, Sept. 25, 2008; Fisnik Abrashi, *U.S.*

Allows First Family Visits to Afghan Prison, Assoc. Press, Sept. 23, 2008; Suzanne Goldenberg and Saeed Shah, *Mystery of 'Ghost of Bagram' - Victim of Torture or Captured in a Shootout?*, The Guardian, Aug. 6, 2008; Eric Schmitt, *Pakistani Suspected of Qaeda Ties Is Held*, N.Y. Times, Aug. 5, 2008; Del Quentin Wilber, *In Courts, Afghanistan Air Base May Become Next Guantanamo*, Wash. Post, June 29, 2008; Katie Paul, *The Road From Gitmo: Alternative Ways of Handling Suspects in the War on Terror*, Newsweek, June 27, 2008; Eric Schmitt and Tim Golden, *U.S. Planning Big New Prison in Afghanistan*, N.Y. Times, May 17, 2008; Fisnik Abrashi, *Red Cross Faults Afghan Prison*, Assoc. Press, Apr. 15, 2008; Carlotta Gall, *Video Link Plucks Afghan Detainees From Black Hole of Isolation*, N.Y. Times, Apr. 13, 2008; Candance Rondeaux, Josh White, and Julie Tate, *Afghan Detainees Sent Home to Face Closed-Door Trials*, Wash. Post, Apr. 13, 2008; Tim Golden and David Rohde, *Afghans Hold Secret Trials for Men That U.S. Detained*, N.Y. Times, Apr. 10, 2008; Ian Austin, *Canadian TV Network Seeks Release of Afghan*, N.Y. Times, Feb. 21, 2008; William Fisher, *Afghan Prison Looks Like Another Guantanamo*, Inter Press Service, Jan. 14, 2008; Andrew Gumbel, *Bagram Detention Center Now Twice the Size of Guantanamo*, The Independent, Jan. 8, 2008; Tim Golden, *Foiling U.S. Plan, Prison Expands in Afghanistan*, N.Y. Times, Jan. 7, 2008; *U.S. Expands Afghan Base at Bagram*, Assoc. Press, Oct. 6, 2007; Richard Leiby, *Down a Dark Road*, Wash. Post, Apr. 27, 2007; Matthew Pennington, *Inmates Detail U.S. Prison Near Kabul*, Assoc. Press, Oct. 2, 2006; Eliza Griswold, *American Gulag: Prisoners' Tales from the War on Terror*, Harpers, Sept. 1, 2006; Carlotta Gall and Ruhullah Khapalwak, *Some Afghans Freed from Bagram Cite Harsh Conditions*, N.Y. Times, June 8, 2006; William Fisher, *Bagram - 'Son of Guantanamo'*, Inter Press Service, Feb. 28, 2006; Tim Golden and Eric Schmitt, *A Growing Afghan Prison Rivals Bleak Guantanamo*, N.Y. Times, Feb. 26, 2006; Tim Golden, *Years After 2 Afghans Died, Abuse Case Falter*, N.Y. Times, Feb. 13, 2006; Tim Golden, *Case Dropped Against U.S. Officer in Beating Deaths of Afghan Inmates*, N.Y. Times, Jan. 8, 2006; Tim Golden, *Abuse Cases Open Command Issues at Army Prison*, N.Y. Times, Aug. 8, 2005; Tim Golden, *In U.S. Report, Brutal Details of 2 Afghan Inmates' Deaths*, N.Y. Times, May 20, 2005; Emily Bazelon, *From Bagram to Abu Ghraib*, Mother Jones, March/April 2005; Stephanie Hanes, *Two Groups Detail Abuse of Afghan Prisoners*, Baltimore Sun, May 5, 2004; Pamela Constable, *An Afghan boy's Life in U.S. Custody: Camp in Cuba Was Welcome Change After Harsh Regime at Bagram*, Wash. Post, Feb. 12, 2004.

More generally, questions regarding the legal process afforded suspected terrorists and alleged "enemy combatants" held in U.S. custody has been the subject of continuous and sustained public interest. See, e.g., Jackie Northam, *Tapes Provide First Glimpse of Secret Gitmo Panels*, Nat'l Pub. Radio, Apr. 10, 2009 (reporting on the release of taped

recordings of the “combatant status review tribunals” of six detainees); Andy Worthington, *Bad News, Good News for the Guantanamo Uighurs*, Huffington Post, Feb. 19, 2009; Jane Perlez, Raymond Bonner and Salman Masood, *An Ex-Detainee of the U.S. Describes a 6-Year Ordeal*, N.Y. Times, Jan. 5, 2009; Jeffrey Toobin, *Camp Justice*, The New Yorker, Apr. 14, 2008; Scott Horton, *Military Lawyers and the Gitmo Commissions*, Harpers, Oct. 30, 2007; *Army Officer: Guantanamo Hearings are Flawed*, MSNBC.com, Aug. 6, 2007; Andrew C. McCarthy, *The Profession v. Gitmo*, Nat’l Review, June 25, 2007; Jeffrey Toobin, *Killing Habeas Corpus*, The New Yorker, Dec. 4, 2006; Daniel Eisenberg and Timothy J. Burger, *What’s Going On at Gitmo?*, Time, May 29, 2005; Carol D. Leonnig, *Judge Rules Detainee Tribunals Illegal*, Wash. Post, Feb. 1, 2005. In particular, the Supreme Court’s June 2008 ruling that Guantanamo Bay detainees had a constitutional right to *habeas* was the subject of significant public attention and media interest. See, e.g., Kevin Drum, *Boumediene v. Bush*, CBS News, June 22, 2008; Robyn E. Blumner, *Supreme Court Preserves a Razor-Thin Redemption*, St. Petersburg Times, June 22, 2008; Richard Epstein, *How To Complicate Habeas Corpus*, N.Y. Times, June 21, 2008; Jack Balkin, *Two Takes: With ‘Boumediene,’ the Court Reaffirmed a Basic Principle*, U.S. News & World Report, June 19, 2008; David Stout, *Justices Rule Terror Suspects Can Appeal in Civilian Courts*, N.Y. Times, June 13, 2008; Linda Greenhouse, *Justices, 5-4, Back Detainee Appeals for Guantánamo*, N.Y. Times, June 13, 2008. Furthermore, the military commission proceedings held at Guantanamo in 2008 also generated substantial public interest. See William Glaberson, *Panel Convicts Bin Laden Driver in Split Verdict*, N.Y. Times, Aug. 7, 2008; Editorial, *A Mixed Verdict on Hamdan*, L.A. Times, Aug. 7, 2008; Scott Shane and William Glaberson, *Judge Clears Way for Trial of Bin Laden’s Driver*, N.Y. Times, July 17, 2008; Joanne Mariner, *Arresting the 9/11 Suspects, Guantánamo-Style*, Salon.com, June 7, 2008; Jackie Northam, *Sept. 11 Suspects Arraigned at Guantanamo Bay*, Nat’l Pub. Radio, June 6, 2008; Adam Zagorin, *U.S. Justice on Trial at Gitmo*, Time, June 4, 2008; *Gitmo’s Courtroom Wrangling Begins*, Time, Apr. 25, 2008.

More broadly, there has been continued public interest in the treatment of suspected terrorists detained by the United States ever since allegations of abuse and mistreatment first surfaced in December 2002. Dana Priest & Barton Gellman, *U.S. Decries Abuse but Defends Interrogations*, Wash. Post, Dec. 26, 2002; see also Emily Bourke, *Red Cross Finds Doctors Present During CIA Torture*, ABC News, Apr. 8, 2009; Scott Shane, *Report Outlines Medical Workers’ Role in Torture*, N.Y. Times, Apr. 6, 2009; *Guantanamo Guard Admits Prisoner Abuse, ACLU Demands ‘Top to Bottom’ Review*, FoxNews.com, Dec. 18, 2008; *Detainee Abuse Linked to Bush Administration*, Assoc. Press, Dec. 12, 2008; *What FBI Agents Saw During U.S. Interrogations*, Int’l Herald

Tribune, May 22, 2008; Carrie Johnson & Josh White, *Audit Finds FBI Reports of Detainee Abuse Ignored*, Wash. Post, May 21, 2008; Scott Shane, David Johnston and James Risen, *Secret U.S. Endorsement of Severe Interrogations*, N.Y. Times, Oct. 4, 2007; Jane Mayer, *The Black Sites*, The New Yorker, Aug. 13, 2007; Dana Priest, *Detainees Accuse Female Interrogators; Pentagon Inquiry Is Said to Confirm Muslims' Accounts of Sexual Tactics at Guantanamo*, Wash. Post, Feb. 10, 2005; R. Jeffrey Smith and Dan Eggen, *New Papers Suggest Detainee Abuse Was Widespread*, Wash. Post, Dec. 22, 2004; Neil Lewis, *Red Cross Finds Detainee Abuse in Guantánamo*, N.Y. Times, Nov. 30, 2004; Neil Lewis, *Broad Use of Harsh Tactics is Described at Cuba Base*, N.Y. Times, Oct. 17, 2004; Dana Priest, *CIA Puts Harsh Tactics on Hold; Memo on Methods of Interrogation Had Wide Review*, Wash. Post, Jun. 27, 2004; Dana Priest and Bradley Graham, *Guantanamo List Details Approved Interrogation Methods*, Wash. Post, June 10, 2004; Dana Priest and Joe Stephens, *Pentagon Approved Tougher Interrogations*, Wash. Post, May 9, 2004.

The release of documents concerning the treatment of suspected terrorists detained by the U.S. has generated significant public interest and media attention. See, e.g., Brian Knowlton, *Report Gives New Detail on Approval of Brutal Techniques*, N.Y. Times, Apr. 22, 2009; Joby Warrick and Peter Finn, *Harsh Tactics Readied Before Their Approval: Senate Report Describes Secret Memos*, Wash. Post, Apr. 22, 2009; Jonathan S. Landay, *Report Says Abusive Tactics Used to Link Iraq to Al Qaeda*, Miami Herald, Apr. 22, 2009; Jess Bravin, *Interrogation Views Spread with Help of Bush Aides*, Wall St. J., Apr. 22, 2009; Julian E. Barnes, *Military Helped With CIA Interrogation Tactics, Report Says*, L.A. Times, Apr. 22, 2009; Robert Baer, *Why Obama Needs to Reveal Even More on Torture*, Time.com, Apr. 20, 2009; Dan Froomkin, *How Many Others Were Tortured?*, Wash. Post, Apr. 7, 2009; Scott Shane, *Report Outlines Medical Workers' Role in Torture*, N.Y. Times, Apr. 6, 2009; Joby Warwick and Julie Tate, *Report Calls CIA Detainee Treatment 'Inhuman'*, Wash. Post, Apr. 6, 2009; Editorial, *The Tortured Memos*, N.Y. Times, Mar. 4, 2009; Devlin Barrett, *Officials: CIA Destroyed 92 Detainee Tapes*, Chicago Tribune, Mar. 3, 2009; David Johnston & Scott Shane, *Memo Sheds New Light on Torture Issue*, N.Y. Times, Apr. 3, 2008; White House *Denies Torture Assertion*, USA Today, Oct. 4, 2007; Jane Mayer, *The Memo*, The New Yorker, Feb. 27, 2006; Dana Priest, *Memo Lets CIA Take Detainees Out of Iraq; Practice is Called Serious Breach of Geneva Conventions*, Wash. Post, Oct. 24, 2004; Dana Priest and Bradley Graham, *U.S. Struggled Over How Far to Push Tactics*, Wash. Post, June 24, 2004; Dana Priest and R. Jeffrey Smith, *Memo Offered Justification for Use of Torture; Justice Dept. Gave Advice in 2002*, Wash. Post, June 8, 2004.

Indeed, the release of documents pursuant to the ACLU's past requests for records relating to the treatment of suspected terrorists in U.S. custody has been the subject of substantial and continuing public interest. To date, the ACLU has received over 100,000 pages of documents in response to its October 2003 request for such records, generating widespread attention from the public and the media. See, e.g., Mark Mazzetti and Scott Shane, *In Adopting Harsh Tactics, No Inquiry Into Their Past Use*, N.Y. Times, Apr. 22, 2009; Ben Feller, *Obama Open to Torture Memos Probe, Prosecution*, Wash. Post, Apr. 22, 2009; Sheryl Gay Stolberg, *Obama Won't Bar Inquiry, Or Penalty, On Interrogators*, N.Y. Times, Apr. 22, 2009; Michael Sniffen, *3 Lawyers Face Scrutiny for Torture Advice*, Wash. Post, Apr. 22, 2009; Peter Baker and Scott Shane, *Pressure Grows to Investigate Interrogations*, N.Y. Times, Apr. 21, 2009; *In CIA Visit, Obama Defends Interrogation Memo Release*, CNN.com, Apr. 20, 2009; *Sept. 11 Planner Waterboarded 183 Times*, Reuters, Apr. 20, 2009; Michael Scherer and Bobby Ghosh, *How Waterboarding Got Out of Control*, Time.com, Apr. 20, 2009; *Memo: Two al Qaeda Leaders Waterboarded 266 Times*, CNN.com, Apr. 20, 2009; Scott Shane, *2 Suspects Waterboarded 266 Times*, N.Y. Times, Apr. 20, 2009; Joshua Brustein, *Former C.I.A. Director Defends Interrogation*, N.Y. Times, Apr. 19, 2009; R. Jeffrey Smith, *Justice Dept. Memos' Careful Legalese Obscured Harsh Reality*, Apr. 19, 2009; Editorial, *The Torturers' Manifesto*, N.Y. Times, Apr. 18, 2009; John Hendren, *Ex-CIA Official: 'This Was Torture'*, ABC News, Apr. 18, 2009; Greg Miller, *Did Waterboarding Work?*, Chicago Tribune, Apr. 18, 2009; Dana Priest, *White House Releases Torture Memos, Won't Pursue Prosecutions*, Wash. Post, Apr. 17, 2009; Editorial, *Dealing With a Disgrace*, Wash. Post, Apr. 17, 2009; Editorial, *Close the Torture Loophole*, L.A. Times, Apr. 17, 2009; Mark Mazzetti, *C.I.A. Memos Could Bring More Disclosures*, N.Y. Times, Apr. 17, 2009; Greg Miller and Josh Meyer, *Memos Reveal Harsh CIA Interrogation Methods*, L.A. Times, Apr. 17, 2009; Matt Apuzzo, *Memos Describe CIA's Harsh Interrogation Program*, Assoc. Press, Apr. 17, 2009; Carrie Johnson and Julie Tate, *New Interrogation Details Emerge*, Wash. Post, Apr. 17, 2009; Justin Vogt, *Zubaydah's Sanity, Bybee's Clarity*, New Yorker, Apr. 17, 2009; Glenn Greenwald, *The Significance of Obama's Decision to Release the Torture Memos*, Salon.com, Apr. 17, 2009; Mark Mazzetti and Scott Shane, *Interrogation Memos Detail Harsh Tactics by the C.I.A.*, N.Y. Times, Apr. 16, 2009; Ariane de Vogue, *DOJ Releases Controversial Torture Memos*, ABC News.com, Apr. 16, 2009; Michael Scherer, *Bush Approved Use of Insects*, Time.com, Apr. 16, 2009; Mark Mazzetti, *Obama Releases Interrogation Memos, Says CIA Operatives Won't Be Prosecuted*, N.Y. Times, Apr. 16, 2009; Terry Frieden, *More Delays in Release of 'Torture' Documents*, CNN.com, Apr. 2, 2009; Scott Shane, *Administration is Debating Release of Interrogation Memos*, N.Y. Times, Mar. 31, 2009; *New York Judge Orders Release of CIA 'Torture' Documents*,

FoxNews.com, Mar. 28, 2009; Scott Shane, *Documents Laid Out Interrogation Procedures*, N.Y. Times, July 25, 2008; Mark Mazzetti, '03 U.S. Memo Approved Harsh Interrogations, N.Y. Times, Apr. 2, 2008; Dan Eggen and Josh White, *Memo: Laws Didn't Apply to Interrogators*, Wash. Post, Apr. 2, 2008; Evan Perez, *U.S. 2003 Memo Allowed 'Enhanced' Interrogation*, Wall St. J., Apr. 2, 2008; Lara Jakes Jordan, *Pentagon Releases Memo on Harsh Tactics*, FoxNews.com, Apr. 1, 2008; *FBI Records: Detainees Allege Quran Abuse; ACLU Releases Hundreds of Documents Obtained in a Lawsuit*, CNN.com, May 26, 2005; *Harsh Tactics Were Allowed, General Told Jailers in Iraq*, N.Y. Times, Mar. 30, 2005; *U.S. Memo Shows Iraq Jail Methods*, BBC News, Mar. 30, 2005; Neil Lewis & Douglas Jehl, *Files Show New Abuse Cases in Afghan and Iraqi Prisons*, N.Y. Times, Feb. 18, 2005; Nat Hentoff, *What Did Rumsfeld Know? ACLU Releases Documents of U.S. Torture of Detainees by More than 'A Few Bad Apples'*, Village Voice, Dec. 28, 2004; Thomas Ricks, *Detainee Abuse by Marines is Detailed*, Wash. Post, Dec. 15, 2004; Paisley Dodds, *Unsealed Navy Documents Show More Prisoner Abuse*, Phila. Enquirer, Dec. 15, 2004; Richard A. Serrano, *Marines Burned, Shocked Prisoners, Documents Revealed*, Seattle Times, Dec. 15, 2004; *ACLU: Records Show Marines Tortured Iraqi Prisoners*, CNN.com, Dec. 15, 2004.

In addition, the records that the ACLU seeks include records relating to the "rendition" of suspected terrorists from their place of capture outside of Afghanistan to detention at Bagram Air Base. Rendition is an issue that is independently the subject of extensive public and media attention. See, e.g., Ariel David, *Italian Court Deals Prosecution a Blow in CIA Rendition Case*, San Jose Mercury News, Mar. 12, 2009; Julie Sell, *U.N. Report Says U.S. Led 'Black Site' Renditions in War on Terrorism*, Miami Herald, Mar. 11, 2009; Kevin Sullivan, *Former Guantanamo Prisoner Alleges Torture*, Wash. Post, Mar. 8, 2009; Paisley Dodds, *British Official Acknowledges Rendition Role*, Chicago Tribune, Feb. 27, 2009; Desmond Butler, *Alleged CIA Torture Victim Speaks Out*, FoxNews.com, Nov. 29, 2006; Jane Mayer, *The CIA's Travel Agent*, The New Yorker, Oct. 30, 2006; Jerry Markon, *Lawsuit Against CIA is Dismissed; Mistaken Identity Led to Detention*, Wash. Post, May 19, 2006; Scott Shane, *German Sues Over Abduction Said to Be at Hands of CIA*, N.Y. Times, Dec. 6, 2005; *German Claims Torture in Suing CIA's Ex-Director*, USA Today, Dec. 6, 2005; *Lawsuit Claims CIA Kidnapped, Tortured German Man*, CNN.com, Dec. 6, 2005; Dana Priest, *Wrongful Imprisonment: Anatomy of a CIA Mistake; German Citizen Released After Months in 'Rendition'*, Wash. Post, Dec. 4, 2005; Dana Priest, *CIA Holds Terror Suspects in Secret Prisons; Debate Is Growing Within Agency About Legality and Morality of Overseas System Set Up After 9/11*, Wash. Post, Nov. 2, 2005; Scott Shane, *The Costs of Outsourcing Interrogation: A Canadian Muslim's Long Ordeal in Syria*, N.Y. Times, May 29, 2005;

Michael Hirsh, Mark Hosenball and John Barry, *Aboard Air CIA*, Newsweek, Feb. 28, 2005; Jane Mayer, *Outsourcing Torture*, The New Yorker, Feb. 14, 2005; DeNeen L. Brown and Dana Priest, *Deported Terror Suspect Details Torture in Syria; Canadian's Case Called "Typical" of CIA*, Wash. Post, Nov. 5, 2003.

III. Application for Waiver or Limitation of Fees

We request a waiver of search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest because it "is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii); 22 C.F.R. § 171.17(a); *see also* 28 C.F.R. § 16.11(k)(1); 32 C.F.R. § 286.28(d); 32 C.F.R. § 1900.13(b)(2).

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As discussed above, numerous news accounts reflect the considerable public interest in the records we seek. Given the ongoing and widespread media attention to this issue, the records sought in the instant Request will significantly contribute to public understanding of the operations and activities of the Departments of Defense, Justice, State, and the Central Intelligence Agency with regard to the detention and treatment of prisoners at Bagram. *See* 22 C.F.R. § 171.17(a)(1)(ii); 28 C.F.R. § 16.11(k)(1)(i); 32 C.F.R. § 286.28(d); 32 C.F.R. § 1900.13(b)(2)(ii). Moreover, disclosure is not in the ACLU's commercial interest. Any information disclosed by the ACLU as a result of this Request will be available to the public at no cost. Thus, a fee waiver would fulfill Congress's legislative intent in amending FOIA. *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers for noncommercial requesters.'" (citation omitted)); OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524, § 2 (Dec. 31, 2007) (finding that "disclosure, not secrecy, is the dominant objective of the Act," but that "in practice, the Freedom of Information Act has not always lived up to the ideals of that Act").

We also request a waiver of search and review fees on the grounds that the ACLU qualifies as a "representative of the news media" and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii); 28 C.F.R. § 16.11(d). Accordingly, fees associated with the processing of the Request should be "limited to reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II); *see also* 32 C.F.R. § 286.28(e)(7); 28 C.F.R. § 16.11(d) (search and review fees shall not be charged to "representatives of the news media").

The ACLU meets the statutory and regulatory definitions of a “representative of the news media” because it is an “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(III); *see also Nat’l Sec. Archive v. Dep’t of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *cf. ACLU v. Dep’t of Justice*, 321 F. Supp. 2d at 30 n.5 (finding non-profit public interest group to be “primarily engaged in disseminating information”). The ACLU is a “representative of the news media” for the same reasons it is “primarily engaged in the dissemination of information.” *See Elec. Privacy Info. Ctr. v. Dep’t of Def.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the news media” for purposes of FOIA); *see supra*, section II.⁴

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Pursuant to applicable statute and regulations, we expect a determination regarding expedited processing within 10 calendar days. *See* 5 U.S.C. § 552(a)(6)(E)(ii)(I); 22 C.F.R. § 171.12(b); 28 C.F.R. § 16.5(d)(4); 32 C.F.R. § 286.4(d)(3); 32 C.F.R. § 1900.21(d).

If the Request is denied in whole or in part, we ask that you justify all deletions by reference to specific exemptions to FOIA. We expect the release of all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

⁴ On account of these factors, fees associated with responding to FOIA requests are regularly waived for the ACLU. For example, in March 2009, the State Department granted a fee waiver to the ACLU with regard to a FOIA request submitted in December 2008. The Department of Justice granted a fee waiver to the ACLU with regard to the same FOIA request. In November 2006, the Department of Health and Human Services granted a fee waiver to the ACLU with regard to a FOIA request submitted in November of 2006. In May 2005, the United States Department of Commerce granted a fee waiver to the ACLU with respect to its request for information regarding the radio-frequency identification chips in United States passports. In March 2005, the Department of State granted a fee waiver to the ACLU with regard to a request submitted that month regarding the use of immigration laws to exclude prominent non-citizen scholars and intellectuals from the country because of their political views, statements, or associations. In addition, the Department of Defense did not charge the ACLU fees associated with FOIA requests submitted by the ACLU in April 2007, June 2006, February 2006, and October 2003. The Department of Justice did not charge the ACLU fees associated with FOIA requests submitted by the ACLU in November 2007, December 2005, and December 2004. Three separate agencies—the Federal Bureau of Investigation, the Office of Intelligence Policy and Review, and the Office of Information and Privacy in the Department of Justice—did not charge the ACLU fees associated with a FOIA request submitted by the ACLU in August 2002.

Thank you for your prompt attention to this matter. Please furnish all applicable records to:

Melissa Goodman, Staff Attorney, National Security Project
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Goodman", written over a horizontal line.

Melissa Goodman
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel: (212) 549-2622

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