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Transportation Security Administration  
Freedom of Information Act (FOIA) Division  
TSA-20, East Tower  
601 South 12th Street  
Arlington, VA 22202-4220

FOIA.TSA@dhs.gov

**FOIA REQUEST**

**Fee benefit requested**

**Fee waiver requested**

**Expedited processing requested**

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of the following records:

- (1) All records responsive to our prior FOIA requests TSA06-0755, TSA06-0854, TSA08-0723, TSA10-0052, TSA10-0134, TSA10-0179, TSA10-0248, and TSA10-0951. According to previous communications from the TSA, records identified as responsive to each of these requests were previously withheld from disclosure on the basis of a claim of exemption under 5 U.S.C. § 552(b)2, and the TSA has asserted that some of these are under a so-called "high 2" claim. In *Milner v. Department of Navy*, (09-1163, decided March 7, 2011, 562 U.S. \_\_\_), the Supreme Court has found that there is no basis in law for any "high 2" claim. Because potentially valid (b)2 exemption claims were often conflated with improper "(b)2 high" claims, and because in many cases exemption (b)2 was invoked (for example, by a marginal notation of "b2" on a redacted document) without making clear whether this was a "low 2" or "high 2" claim, we request that all records responsive to these requests be released in full, including any records newly identified as responsive in the course of reviewing these records.

- (2) TSA FOIA docket records listing all previous FOIA requests by anyone to TSA in response to which exemption (b)2 was invoked, showing the dates of each such request and the dates of any response(s), appeal(s), or action(s) on appeal; the requester; the general nature of the requested records; and any record of whether the exemption invoked was "high 2", "low 2", both, mixed, or whether no distinction was made.

With respect to any e-mail messages included in the responsive records, we specifically request access to and copies of the complete informational content of the underlying electronic records, in their full and complete form including all headers and attachments, fully expanded e-mail addresses, full addresses for address "aliases", and full lists for "distribution list" aliases.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on TSA procedures at checkpoints that is of current interest to the public in order to anticipate what to expect at TSA checkpoints and to know what actions by TSA employees or contractors or members of the public the TSA believes are permitted or required. I am also gathering information concerning TSA FOIA processing procedures that is of current public interest in relation to public and Congressional debate on government transparency, FOIA processing, and the recent Milner decision. This information is being sought on behalf of The Identity Project ("IDP"). IDP provides advice, assistance, publicity, and legal defense to those who find their rights infringed or their legitimate activities curtailed by demands for identification, and builds public awareness about the effects of ID requirements on fundamental rights. IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

One of the principal activities of IDP is publication of the informational and educational Web site at <<http://www.papersPlease.org>>, where we have published records previously released in response to some of these requests, for dissemination to the general public. Information previously released in response to some of these requests has also been published on my own Web site and blog of travel news, information, and advice, "The Practical Nomad", at <<http://hasbrouck.org>> and <<http://hasbrouck.org/blog>>.

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. There has been, and continues to be, extensive interest in what, if any, rules or procedures govern activities by the TSA, TSA contractors, third parties, and the public at TSA checkpoints; in DHS (including TSA) FOIA processing and withholding practices, and in the implications and significance of the Milner decision.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. 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 or to deny a waiver of fees.

Please provide expedited processing of this request which concerns a matter of urgency. As a journalist and public educator, I am primarily engaged in disseminating information. The public has an urgent need for information about TSA FOIA processing and withholding practices because the House Committee on Oversight and Government Reform is beginning a series of hearings on FOIA processing practices, the first of which is tomorrow, March 17, 2011. According to the Chairman's introductory statement for that hearing, as posted today at <[http://oversight.house.gov/index.php?option=com\\_content&view=article&id=1204](http://oversight.house.gov/index.php?option=com_content&view=article&id=1204)>:

In light of our responsibility to ensure that all federal agencies respond to FOIA requests in a timely, substantive, and non-discriminatory manner, the Committee has initiated a comprehensive analysis of how the federal government handles FOIA procedures. In recent weeks, the Committee has witnessed firsthand the bureaucratic obstruction that the general public too-often experiences.

While many agencies are thorough and timely in their responses, some agencies have been either partially or completely non-responsive. Others have requested more time. Indeed, the Committee's experience to date reveals inadequacies in FOIA, as well as a disparity in FOIA compliance among federal agencies.

Timely, expedited processing of this request is essential for the Identity Project to analyze how our previous requests have been processed, to understand the scope and significance of the TSA's improper "high 2" withholdings, to know which other previously withheld records to request be released, to inform the public about these issues, and for members of the public to be able to provide timely, informed input to the Committee and other members of Congress including testimony for the record of these hearings.

Pursuant to 28 USC §1726, and in compliance with 6 CFR 5.21(d), I declare (certify, verify, or state) under penalty of perjury that I am Edward John Hasbrouck, the maker of FOIA requests TSA06-0755, TSA06-0854, TSA10-0052, TSA10-0134, TSA10-0179, TSA10-0248, and TSA10-0951, and that the foregoing including my statements concerning the need for expedited processing is true and correct to the best of my knowledge and belief. I hereby waive any objection which I might be entitled to make under the Privacy Act or FOIA to the release, in response to this request, of any of the requested records which pertain to me.

Please respond as soon as possible to confirm your receipt of this request. I look forward to your complete reply within 20 business days, as the statute requires.

Sincerely,

Edward Hasbrouck  
Consultant on travel-related issues  
The Identity Project