

The Identity Project
(PapersPlease.org)
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May 17, 2013

COMMANDANT (CG-611)
ATTN FOIA OFFICER
2100 2ND STREET SW STOP 7101
WASHINGTON DC 20593-7101

Transportation Security Administration, TSA-20, East Tower
FOIA Division
601 South 12th Street
Arlington, VA 20598-6020

via e-mail: EFOIA@uscg.mil
FOIA.TSA@dhs.gov
cc: ALJdocketingcenter@uscg.mil

FOIA Request
Fee benefit requested
Fee waiver requested
Expedited processing requested

Dear FOIA Officers:

This is a request pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552.

I request access to and copies of all records pertaining to 12-TSA-0092 (“In the matter of John Brennan”), including but not limited to:

- (1) Any docket listing, index, or records from any case management system pertaining to this proceeding.
- (2) Any Notice of Proposed Civil Penalty, Order Assessing Civil Penalty, or Enforcement Investigative Report (EIR) pertaining to this matter.
- (3) Any documents, records, transcripts, recordings, photographs, videos, exhibits, e-mail messages or other communications or messages, or any other items listed on or identifiable from any such docket or index, whether or not they are considered to form part of the “record” of this case for purposes of decision-making by the assigned ALJ.

With respect to any e-mail messages included in the responsive records, I 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", full lists for "distribution list" aliases, and all related metadata.

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 DOJ policies and procedures that is of current interest to the public because without this information, there is no way for members of the public to know how or to whom to complain of human rights violations by DOJ, to understand how such complaints are supposed to be handled, or to know what sorts of complaints have been made and how they have, in fact, been handled. 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.

This information will be made available to the public. 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 documents obtained in response to our previous FOIA requests, where we have published previous reports of news and information related to this matter, and where we will be publishing the audio recordings we made, with the permission of the judge, of the formal hearing.

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. This matter has been the subject of extensive and ongoing local and national news reporting. The public has an urgent need for information contained in these records, and journalists and educators such as the Identity project have an urgent need for access to these records, in order to provide timely reporting, analysis, and interpretation of the details and significance of this proceeding, including the formal hearing which was conducted on May 14, 2013 and during which various of the responsive records were discussed.

Timely, expedited processing of this request is essential. Release of the information is in the public interest because it will contribute significantly to public understanding of TSA screening procedures. The records I am requesting clearly relate to government operations and activities. It is in the public interest for the public to know what is expected of them at TSA checkpoints, what is required, what is forbidden, and what actions are potentially subject to civil penalties. Since the relevant TSA regulations provide no definition of either "interference" or "screening", the records of civil penalty proceedings – including the precise details of allegations of sanctionable conduct and the evidence on which it is based – provide the best available guidance to the public as to their legal duties and rights.

The TSA is currently taking public comments through June 24, 2013, in response to a Notice of Proposed Rulemaking (NPRM) concerning the screening practices at issue in this proceeding. (78 Federal Register 18287-18302, March 26, 2013). Detailed information concerning what actions the TSA considers to be subject to sanctions under the current regulations, including the information responsive to this request, is essential in order for the public to have, well before the close of the comment period, in order to formulate meaningful comments in response to this NPRM.

If my 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 or to deny a waiver of fees. 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 FOIA statute requires.

To avoid delay in the initiation of any necessary consultation between the TSA and the USCJ, as agencies potentially both having an interest in records responsive to this request, I am simultaneously sending copies to both the USCG and TSA FOIA contacts as currently posted on those agencies' respective Web sites. I note, however, that where copies of the same documents, electronic files, or other records are in the possession of both agencies, as I believe is the case with records responsive to this request, the copies in the possession of each agency constitute separate records for FOIA purposes. This request is made to each of your agencies, and each of your agencies has an independent duty to process and respond to this request and disclose all non-exempt responsive records in its possession.

I specifically request that each of your agencies (TSA and USCG) provide me with a full response with respect to all records in your possession, regardless of whether you believe that copies of the same or similar records may be held by the other agency, and that each of your agencies provide me with notice of your agency's docketing of this request, the status and estimated date of completion of your agency's action with respect to this request, how I can track the status and estimated date of completion of your agency's action with respect to this request, and my separate appeal rights with respect to each of your agencies' determinations with respect to records in its possession.

This request is being submitted by e-mail. To expedite receipt of your response, please respond by e-mail. Please telephone me immediately at 415-824-0214 if you have any questions or need further information or clarification. If you do not expect to complete your response within the statutory deadline, please provide partial responses of all responsive records as soon as they are processed.

Sincerely,

Edward Hasbrouck