

1 Oct 2020, 13:23

Date sent: Thu, 1 Oct 2020 13:23:57 -0700 (PDT)
From: cer <cer@nara.gov>
To: cer <cer@nara.gov>
Copies to: "edward@hasbrouck.org" <edward@hasbrouck.org>
Subject: Re: NCMNPS FOIA request - expedited processing requested

October 1, 2020

Edward Hasbrouck
1130 Treat Avenue
San Francisco, CA 94110

Dear Edward Hasbrouck:

I am writing in response to your Freedom of Information Act (FOIA) request of September 21, 2020, to the National Archives and Records Administration (NARA). You requested access to records of the National Commission on Military, National, and Public Service (NCMNPS).

NARA's Office of General Counsel provided you with an initial reply concerning the temporary NCMNPS records on September 24, 2020 and a tracking number for that portion of your request.

NARA's Office of General Counsel forwarded your request for the permanent NCMNPS records to our office, the Reference Branch of the Electronic Records Division, on September 25, 2020. Our office has assigned your request for the permanent NCMNPS records temporary FOIA tracking number ER0566.

The only permanent records NCMNPS transferred to NARA are in electronic format. Our office has not yet taken legal custody of the permanent electronic NCMNPS records. Within the next ten (10) business days, I will provide you with a more detailed reply about the status of the permanent electronic NCMNPS records and your FOIA request for them.

You also requested expedited processing. This email is in response to your request for expedited processing.

In accordance with 36 CFR 1250.28, the National Archives and Records Administration may, at its discretion, expedite the review of records requested under the Freedom of Information Act and move a request to the head of a FOIA processing queue, if the requester meets one of the following criteria:

1. A reasonable expectation of an imminent threat to an individual's life or physical safety; or
2. A reasonable expectation of an imminent loss of a substantial due process right; or
3. An urgent need to inform the public about an actual or alleged Federal Government activity (this applies only to those requests made by persons primarily engaged in disseminating information to the public); or
4. The subject is of widespread and exceptional media interest and the information sought involves possible questions about the government's integrity that affect public confidence.

After carefully considering the merits of your request, I have concluded that the circumstances in this case do not warrant expedited processing.

You state that Congress is currently considering legislative proposals related to the recommendations of the NCMNPS, including H.R. 6415 and H.R. 5492 and "that 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." However, the final report of the Commission, which was issued in March 2020, describes the Commission's mission and methodology, as well as the organization and individuals consulted; panelists, speakers, and statements received, and background information about the Commissioners and Commission staff. Furthermore, the NCMNPS website (<https://www.inspire2serve.gov/>) contains additional reports; hundreds of documents, including fact sheets and meeting minutes; as well as links to the Commission's social media profiles. It appears that a great deal of the information you seek is already publicly available and you have not explained how the specific records you requested would provide significant additional information regarding the activities of the Commission. Based on this determination, your request will be placed in our regular processing queue.

If you are not satisfied with our action on your request for expedited processing, you have the right to file an administrative appeal within ninety (90) calendar days from the date of this letter. Appeals must be in writing and may be delivered by regular U.S. mail or by email. By filing an appeal, you preserve your rights under the Freedom of Information Act and present the deciding agency with an opportunity to review your request and reconsider its decision. If you submit your appeal by regular mail, it should be addressed to the Deputy Archivist of the United States (ND), National Archives and Records Administration, 8601 Adelphi Road, Room 4200, College Park, Maryland 20740-6001. Both the letter and envelope should be clearly marked "FOIA Appeal." If you submit your appeal by email, please send it to foia@nara.gov, addressed to the Deputy Archivist, with the words "FOIA Appeal" in the subject line. Please be certain to explain why you believe this response does not meet the requirements of the Freedom of Information Act. All communications concerning this request should reference your temporary FOIA tracking number ER0566.

If you would like the opportunity to discuss our response and attempt to resolve your dispute without initiating the appeals process, you may contact our FOIA Public Liaison for assistance:

Accessioned Executive Branch Records - Washington, DC Area
FOIA Requester Service Center: 301-837-3190
FOIA Public Liaison: Michael Marquis
8601 Adelphi Road, Room 5500
College Park, MD 20740-6001
dc.foia.liaison@nara.gov
301-837-3190

If you are unable to resolve your dispute through our Public Liaison, the Office of Government Information Services (OGIS) is the federal FOIA ombudsman. OGIS offers mediation services to help resolve disputes between FOIA requesters and federal agencies. You may contact OGIS at the following address:

Office of Government Information Services (OGIS)
National Archives and Records Administration
8601 Adelphi Road, Room 2510
College Park, MD 20740-6001
ogis@nara.gov
202-741-5770

1-877-684-6448 (toll-free)

Due to the COVID-19 pandemic and pursuant to guidance received from the Office of Management and Budget (OMB), NARA has adjusted its normal operations to balance the need of completing its mission-critical work while also adhering to the recommended social distancing for the safety of our staff. As a result of this re-prioritization of activities, you may experience a delay in receiving an initial acknowledgment as well as a substantive response to your reference or FOIA request or appeal. We apologize for this inconvenience and appreciate your understanding and patience.

Sincerely,
Lynn Goodsell
Reference Branch Chief, Electronic Records Division (RRE)
National Archives and Records Administration (NARA)
cer@nara.gov

On Wednesday, September 30, 2020 at 4:08:37 PM UTC-4 Lynn Goodsell wrote:

>
> ----- Forwarded message -----
> From: 'Edward Hasbrouck' via FOIA <FO...@nara.gov>
> Date: Mon, Sep 21, 2020 at 10:00 AM
> Subject: FOIA request - expedited processing requested
> To: <specialac...@nara.gov>
> Cc: <fo...@nara.gov>
>
>
> Attached as a PDF file please find a FOIA request, including a request for
> expedited processing.
>
> Please reply to confirm receipt. Since many Federal agencies are using
> aggressive spam-filtering algorithms, it is impossible to tell whether
> e-mail messages have actually been delivered to the intended recipients.
>
> Peace,
>
> Edward Hasbrouck
>
>
>
> -----
> Draft Registration and Draft Resistance:
> <http://Resisters.info>
>
> Compulsory National Service:
> <http://NationalService.info>
>
> Health Care Workers and the Draft:
> <http://MedicalDraft.info>
>
> Edward Hasbrouck
> edw...@hasbrouck.org
> <http://hasbrouck.org>
> +1-415-824-0214 <(415)%20824-0214>
>

>
> The following section of this message contains a file attachment
> prepared for transmission using the Internet MIME message format.
> If you are using Pegasus Mail, or any other MIME-compliant system,
> you should be able to save it or view it from within your mailer.
> If you cannot, please ask your system administrator for assistance.
>
> ----- File information -----
> File: NCMNPS-NARA-FOIA-21SEP2020-signed.pdf
> Date: 20 Sep 2020, 17:12
> Size: 341458 bytes.
> Type: Unknown
>
>
>
>