



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

OCT 10 2018

Ref: 19-F-0020

Mr. Edward Hasbrouck
1130 Treat Avenue
San Francisco, CA 94110

Dear Mr. Hasbrouck:

This is an interim response to your May 3, 2018 Freedom of Information Act (FOIA) request to the National Commission on Military, National, and Public Service, a copy of which is attached for your convenience. We received your request from the National Commission on Military, National, and Public Service on October 1, 2018, along with one document, and assigned it case number 19-F-0020. We ask that you use this number when referring to your request.

Expedited processing may be granted when the requester demonstrates a compelling need for the information and shows that the information has a particular value that would be lost if not processed on an expedited basis. A key word here is "demonstrates." Therefore, it is incumbent upon you to demonstrate that the requested records will serve an urgency purpose and that they will also be meaningful in the sense that they will provide a greater understanding of actual or alleged federal government activity on the part of the public-at-large than that which existed before such information was disseminated. Consequently, it must be clearly demonstrated that such information has a particular value that will be lost if not disseminated quickly. After carefully considering your request, this Office finds that you have not clearly demonstrated how the information will lose its value if not processed on an expedited basis. For this reason, your request for expedited processing is denied.

Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period as there are unusual circumstances that impact our ability to quickly process your request. The FOIA defines unusual circumstances as (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. At least one, if not more, of these scenarios applies or would likely apply to your request. While this office handles FOIA requests for the Office of the Secretary of Defense (OSD), the Joint Staff (JS), and other component offices, we do not actually hold their records and our office is not geographically located with these organizations. As we do not hold the records, until the required records searches are complete, we are unable to estimate the potential volume of records or the number of consultations that will be required to make a release determination.

Your request has been placed in our complex processing queue and is being worked based on the order in which the request was received. Our current administrative workload is approximately 2,775 open requests.

In some instances, we have found that requesters who narrow the scope of their requests experience a reduction in the time needed to process their requests. If you have any questions or wish to discuss the reformulation of your request or an alternative time frame for the processing of your request, you may contact, Jeanne Moretti, the Action Officer assigned to case number 19-F-0020 at jeanne.moretti.civ@mail.mil or (571) 372-0419.

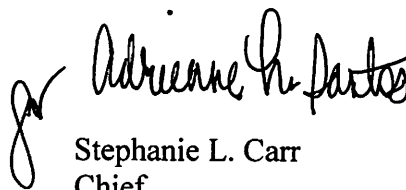
If you are not satisfied with this response, you may contact our OSD FOIA Public Liaison, Jim Hogan, at 571-372-0462 or by email at OSD.FOIALiaison@mail.mil. Also, please note that the Office of Government Information Services (OGIS) offers services to requesters who have disputes with Federal agencies. You may contact OGIS if you have concerns about the processing of your request. Their contact information is provided below:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

You have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance, Office of the Secretary of Defense, by writing directly to OCMO Office of the Chief Management Officer, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox# 24, Alexandria, VA 22350-1700. Your appeal must be postmarked within 90 calendar days of the date of this response. Alternatively, you may email your appeal to osd.foia-appeal@mail.mil. If you use email, please include the words "FOIA Appeal" in the subject of the email. Please also reference case number 19-F-0020 in any appeal correspondence.

If you have any questions about the foregoing, please do not hesitate to contact the Action Officer assigned to your request, Ms. Jeanne Moretti, at jeanne.moretti.civ@mail.mil or at (571) 372-0419.

Sincerely,



Stephanie L. Carr
Chief

Enclosure:
As stated

19-F-0020



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May 3, 2018

FOIA Request
National Commission on Military, National, and Public Service
2530 Crystal Drive, Suite 1000, Box No. 63
Arlington, VA 22202

(by mail and by e-mail to <FOIA@inspire2serve.gov>)

FOIA REQUEST
Expedited processing requested
Fee benefit requested
Fee waiver requested

Dear FOIA Officer:

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

I request access to and copies of:

- (1) Any records of meetings (by whatever name they may be described) or in-person, telephonic, or online gatherings of a quorum of members of the Commission, including any agendas, minutes, motions or proposals, votes, decisions, documents or electronic presentations or files distributed or shown to the Commission, notes, transcripts, audio and/or video recordings, records that classified information was to be discussed, or records of any objections made by member(s) of the Commission to allowing members of the public access to any such meeting; and
- (2) The most recent and most complete final or approved versions and the most recent and most complete tentative or draft versions of any agenda, schedule, calendar, or plan of work for meetings, gatherings, and/or activities of the Commission or of a quorum of members of the Commission, including any list, spreadsheet, database, or other record of dates, times, and places where a quorum of members of the Commission are expected to be gathered in person or by telephone or other means.

I also request (3) the entirety of any document or electronic file containing any responsive records (so that no portion of any document or file containing any responsive portions should be withheld as "unresponsive").

I request that all responsive records be provided in text-searchable electronic form. With respect to any records held in electronic form, I request that they be provided in the original electronic form in which they are held, as complete bitwise digital copies of the original word processor files, PDF files, or other electronic files, including any file headers, embedded metadata, and all other file content.

I request that any responsive records of e-mail messages be produced as copies of the raw “message source” files, including full addresses and all headers and attachments, as those message source files are held on mail servers or backup or archival digital storage media.

I specifically request that you not create new documents or files in response to this request, not create “documents” such as page-view images or print views from digital records, and not substitute such newly-created “documents”, images, or views for requested records held by you as digital files.

If all or any part of this request or searches for responsive records are referred or delegated to other agencies, contractors, offices, or staff, I request that any referral, delegation, or search tasking instructions specifically include my request with respect to the form in which records are to be produced, so that records are not inadvertently converted to, or produced in, other forms or formats.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages of paper records, or cost equivalent for copies of electronic records. Through this request, I am gathering information on policies, procedures, and practices that is of current interest to the public as part of widespread public interest in the activities of the Commission and the exceptionally controversial subjects of the draft, Selective Service, and compulsory service.

I am an award-winning freelance journalist, and the publisher of an informational Web site at <<http://resisters.info>> which is one of the most comprehensive and widely consulted sources of news, analysis, and background and reference information – including information obtained from government agencies – on the issues of the draft, draft registration, and Selective Service. The information obtained in response to this request will be made available to the public through publication on the Web.

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. It is important that, when the Commission issues its report and recommendations, the public be able to understand the deliberative and decision-making process from which that report and those recommendations have emerged.

Please process this request on an expedited basis. I am a person primarily engaged in disseminating information to the public as a writer and journalist. There is an urgency to inform the public about Federal Government activity.

The statute establishing the Commission provides that, “Each meeting of the Commission shall be held in public unless any member objects or classified information is to be considered.” So any member of the public, including representatives of the news media, is entitled to attend and observe the meetings, deliberations, and decision-making of the Commission unless a member of the Commission objects to a specific meeting being open to the public, or classified information is being discussed.

The clear intent of Congress was that the Commission meet, deliberate, and reach its decisions and recommendations in a public fish bowl, not in closed sessions in a back room. For good reason: Understanding the deliberative process within the Commission and between its members from which recommendations emerge will be critical to public understanding and assessment of the basis for, and the weight and credibility to be given to, the Commission's eventual recommendations.

But in practice, members of the public including representatives of the news media from throughout the country can only exercise the right granted to them by Congress to attend and observe meetings of the Commission if they know when and where the Commission will meet, and know this in time to plan and arrange to attend meetings that may be held anywhere in the country.

The inability of the public to know when and where the Commission plans to meet is effectively frustrating the intent of Congress that each meeting of the Commission be open to the public unless any member objects or classified information is to be considered.

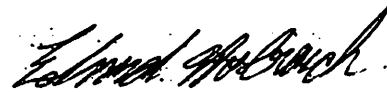
Time is of the essence, to enable interested members of the public to attend and observe the Commission's deliberative and decision-making meetings. There is an urgency to inform the public about the Commission's future meeting dates, times, and locations, in order for members of the public including representatives of the news media be able to attend and observe those meetings.

I have no commercial interest in this information.

If this 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, to deny a waiver of fees, or to deny expedited processing.

Please respond as soon as possible to confirm your receipt of this request and to advise the reference number assigned to this request and the expected date of completion of Commission action with respect to this request. I look forward to your complete reply within 10 calendar days, as the FOIA statute requires for requests processed on an expedited basis. To avoid unnecessary delays, please contact me immediately by telephone or e-mail should you have any questions regarding this request.

Sincerely,



Edward Hasbrouck