



November 28, 2012

Department of Defense
OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

U.S. Southern Command
ATTN: SCPA (FOIA)
9301 NW 33rd St
Doral, FL 33172

CDR USAMEDCOM
ATTN: FOIA
2404 Stanley Road
Fort Sam Houston, TX 78234-6021

Department of the Army
Freedom of Information and Privacy Office
7701 Telegraph Road
Casey Building, Suite 144
ATTN: JDRP-RDF
Alexandria, VA 22315-3905

Department of the Navy
PA/FOIA Policy Branch N09B30
2000 Navy Pentagon
Washington, DC 20350-2000

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

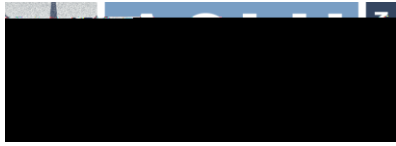
To Whom This May Concern:

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of Information Cev"*õHQKö+. "7"W0U0E0"E"774" , and the Department of
Defense implementing regulations, 32 C.F.R. § 286.1 . The Request is

AMERICAN CIVIL LIBERTIES
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NATIONAL OFFICE
125 BROAD STREET,
18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500
F/212.549.2651
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A. The ACLU is an Orga

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ACLU attorneys are frequently interviewed for news stories about documents released through ACLU FOIA requests.³

The ACLU website specifically includes features on information about actual or alleged government activity obtained through FOIA.⁴ For example,

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LEGAL DEPARTMENT
National Security Project

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exercising. ,
BBC News, Feb. 3, 2011, <http://www.bbc.co.uk/news/world-us-canada-12361834>. In May 2011, news outlets began releasing details of
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kphqtogf"vjg"ogflc"qh"vjgkt"enkgpv0u"wpuvcdng"ru{ejkcvtkc"uvcvg"y jkng"kp"ewuvqf{0"
, Reuters, , N.Y.
Times, May 18, 2011,
<http://www.nytimes.com/2011/05/19/us/19guantanamo>; Margot Williams,
, NPR (May 19, 2011),
<http://www.npr.org/blogs/thetwo-way/2011/05/19/136467764/detainee-dies-at-guantanamo>; Carol Rosenberg,
, Miami Herald, May 22, 2011,
<http://www.miamiherald.com/2011/05/22/2229411/us-returns-remains-of-guantanamo.html>"Qxgt"qpg"{gct"ncvgt."pgyu"qh"Ncvkh0u"fgcvj"eqpvkpwgu"vq"urctm"
public debate over the treatment of detainees held at Guantánamo Bay.
, Michael Isikoff,
NBC News, Sep. 11, 2011,
http://worldnews.nbcnews.com/_news/2012/09/11/13808173-dead-gitmo-detainee-was-cleared-for-release-in-2009; Carol Rosenberg,
, The Miami
Herald, Sep. 11, 2012,
<http://www.miamiherald.com/2012/09/11/2996888/dead-guantanamo-detainee-won-then.html>; Murtaza Hussain,
, Al-
Jazeera (Sep. 22, 2012),
[http://www.aljazeera.com/indepth/opinion/2012/09/201291872137626701.htm](http://www.aljazeera.com/indepth/opinion/2012/09/201291872137626701.html)
l; Julie Tate,
, Wash. Post, Sep. 11, 2012,
http://www.washingtonpost.com/world/national-security/guantanamo-detainee-found-dead-had-recently-gone-on-hunger-strike/2012/09/11/689a660c-fc2d-11e1-8adc-499661afe377_story.html.

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There also has been sustained public interest about whether there are inconsistencies in the U.S. goverp o gpv0u"qhkkckc"ceeqwpvu"qh"vjgug"fgcvju0"Hqt"gzco rng."uq o g"pgyu"tgrqtvu"jcxg"pqvgf"vjcv"vjg"cwvqru{0u"tgrqtvgf"



For all of the above reasons, the requested documents are urgently needed to inform the public about government activity and also relate to breaking news stories of general public interest.

III. Application for Waiver or Limitation of Fees

A. Release of Records is in the Public Interest

First, the ACLU requests 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

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channels, including its websites, blogs, press releases, books, reports, newsletters, news briefings, fact sheets, educational brochures, pamphlets, television series, and public speaking engagements. , part II. As Senator Leahy said during a debate cdqww"HQKø"hgq-waiving provisions: ö]C_p{"rgtuqp"qt"qti cpk|cvkqp"y jke j"tgi wnetn{"rwdnku jgu"qt" fkuug okpcvgu" kphqt ocvkqp"vq"vjg"rwdnke"0"0"0"ujqwnf"swcnkh{"hqt"yckxgtu"cu" c":tgrtgugpvcvkxg"qh" vjg"pgyu"ogfkcö"354"Eqpi0"Tge0"U364;4"*fckn{"gf0"Ugrv0"52."3;:6). Indeed, cp"CENW"chhknkcvg"tgegpn{"ycu"jgnf"vq"dg" c"ötgrrtgugpvcvkxg"qh"vjg"pgyu" ogfkcö" , 2011 WL 887731, at *10 (W.D. Wash. Mar. 10, 2011).

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Pursuant to applicable statutes and regulations, the ACLU expects a determination regarding expedited processing within 10 days. 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, the ACLU asks that you justify all deletions by reference to specific exemptions to FOIA. The ACLU expects the release of all segregable portions of otherwise exempt material. The ACLU reserves the right to appeal a decision to withhold any information or deny a waiver of fees.

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

CIA granted a fee waiver with respect to the same request. 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 for a FOIA request. 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.



Alexander A. Abdo
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.

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Sincerely,

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