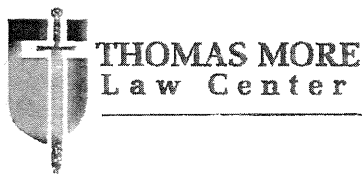


Exhibit A



Richard Thompson
President and Chief Counsel
Admitted in Michigan

RECEIVED

February 18, 2015

FEB 18 2015

Via Electronic Mail Only

United States Special Operations Command
ATTN: SOCS-SJS-I/FOIA Requester Service Center
7701 Tampa Point Blvd.
MacDill AFB, FL 33621-5323
E-mail: FOIA@socom.mil

USSOCOM FOIA
2015-0196

- Re: I. Freedom of Information Act Request
- II. Request for News Media Status

To Whom It May Concern:

The Thomas More Law Center, on behalf of Elaine Donnelly and the Center for Military Readiness, requests information pursuant to the Freedom of Information Act (5 U.S.C. § 552), et seq., and the Department of Defense implementing regulations, 32 CFR 286.4.

Elaine Donnelly is the President of the Center for Military Readiness ("CMR"), a nonpartisan 501(c)(3) public policy, educational, and media organization. The Thomas More Law Center, a public interest law firm based in Ann Arbor, Michigan, requests the information on behalf of Ms. Donnelly, who acts as a member of the news media. Elaine Donnelly frequently writes for and provides information and interviews to major print, broadcast, and electronic media. The documents requested are needed to ensure accurate reporting on major issues of public importance that are time-sensitive.

I. Freedom of Information Act Request

Under the Freedom of Information Act, 5 U.S.C. § 552, et seq., the following documents are hereby requested:

Any and all documents mentioned in a Memorandum dated 22 March 2013 signed by Admiral William H. McRaven, Commander U.S. Special Operations Command, (*available at* <https://docs.google.com/file/d/0B6M2PyTn7gabamdKemQteUMzRDA/edit>), which are quoted below:

1. Documents (including directive or contracts between SOCOM and other organizations or contractors) that discuss specifications for "[A]n ongoing, comprehensive USSOCOM-wide Doctrine, Organizations, Training, Materiel, Leadership and Education, Personnel, Facilities and Policy (DOTMLPF-P) analysis, with special emphasis on gender-neutral training standards in SOF initial entry (qualification) courses, Leadership and Education requirements associated with integration, and an evaluation of our facilities." *Id.*

2. Documents (including directives or contracts between SOCOM, the Center for Special Operations Study & Research, Joint Special Operations University and organizations or

contractors involved in the project) that discuss specifications for work “to research and analyze the social science impacts, to include surveys of integrating women into small, elite teams that operate in remote, austere environments.” *Id.*

3. Documents (including contracts between SOCOM, RAND Corporation, or other contractors) that discuss specifications for work and an analysis to be done by RAND Corporation, mentioned in the McRaven Memorandum cited above, as follows: “Complementing the two efforts referenced above, I have contracted with RAND Corporation to provide their independent, non-biased analysis.” *Id.*

The requestor further seeks production of the following documents described below:

4. Documents setting forth results of the above referenced “...comprehensive DOTMLPF-P analysis of the impacts of integrating women into previously closed specialties, units, and positions, to include an assessment and validation of gender-neutral occupational performance standards, which were due no later than (NLT) 1 July 2014.”

5. Documents setting forth results of the above referenced “...[S]ocial science assessments of the psychological and social impacts of integrating women into small SOF units as part of a comprehensive study concluding NLT 1 July 2014,” as produced by the Center for Special Operations Studies and Research, Joint Special Operations University, RAND, or other organizations.

6. Documents setting forth results of the above referenced “Commission[ed] RAND study and...findings [to be made available] NLT 1 July 2014, – particularly results of RAND's study on “behavioral and cultural aspects of gender integration,” which was also mentioned in Marine Corps Times, Hope Hodge Seck, “MARSOC Conducts Integration Assessment for Female Operators,” Feb. 12, 2015.

7. Documents setting forth results of the “USSOCOM quarterly progress reports at the end of each quarter, beginning in the 3rd Quarter Fiscal Year 2013.”

II. Request for News Media Status

I also hereby request a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552 (a)(4)(A)(iii). Elaine Donnelly is entitled to a waiver of search fees under 5. U.S.C. § 552(a)(4)(A)(ii)(II) because she is the President of the Center for Military Readiness, a public policy, educational, and media organization. Since the founding of CMR in 1993, Mrs. Donnelly has acted as a member of the news media by personally researching and reporting exclusive news stories on various aspects of social policies in all branches of the military service. Mrs. Donnelly's website for CMR is available at <http://cmrlink.org/>.

Recent examples include the **Interim CMR Special Report** that analyzed Marine Corps research results as of October 2014, titled *US Marine Corps Research Findings: Where is the*

Case for Co-Ed Combat? and a CMR Policy Analysis and related published articles analyzing results of the 2014 report of the Sexual Assault Prevention & Response Office (SAPRO).

The documents requested are needed to ensure accurate and timely reporting on the ongoing issues and controversies addressed in the requested documents. Most news reports quote DoD and military officials saying that major issues of public policy, affecting all military women and, potentially, civilian women with regard to Selective Service, will be decided as early as June through August. Without transparency, openness, and awareness of what has been learned and what is planned, Congress cannot conduct timely oversight. The situation does not serve the public interest because Congress possesses constitutional authority and responsibility to make policy for the Armed Forces of the United States. The law mandates access to government information on these matters of major public interest, and time is short.

The United States Department of the Army has previously waived both search and duplication fees for Elaine Donnelly on the basis of her establishing News Media Status. Documentation of a previous fee waiver granted by the United States Department of the Army is attached as Exhibit 1.

Elaine Donnelly has published articles on military personnel issues in many newspapers and magazines nationwide, including the Washington Post, USA Today, the Boston Globe, Congressional Quarterly Researcher, U.S. News & World Report, Human Events, National Review Online, the Washington Times, the American Thinker, and the Naval Institute's Proceedings. Copies can be provided upon request. Elaine Donnelly has appeared on most network and cable channel networks, and participated in a PBS two-hour National Review "Firing Line" debate.

Elaine Donnelly has also participated in educational programs sponsored by the Naval Institute, Hillsdale College, the Heritage Foundation, Independent Women's Forum, and a number of events sponsored by veterans' groups and military academy alumni organizations. Elaine Donnelly routinely obtains information about the operations and activities of government, particularly the Department of Defense and the military services, and uses her editorial skills to turn this information into distinct news articles, disseminating the articles to the public via an internet website and published articles, radio, and television. She intends to do likewise with the records she receives in response to this request.

This request merits a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii). Under this provision, records:

Shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in commercial interest of the requester.

Id. Once Elaine Donnelly receives the requested records, she intends to analyze and disseminate the information, as well as educate the public via radio programs, websites, newsletters, and

other media outlets. The records will also be made available to other members of the media or researchers upon request. Elaine Donnelly has proven the ability to disseminate such records and information as demonstrated by her long-standing and continuing public outreach efforts, including radio and television programs, website, newsletter, periodic published reports, public appearances, and other educational undertakings.

The Center for Military Readiness is a 501(c)(3), nonprofit, educational organization, and by definition has no commercial purpose. The Center for Military Readiness exists to educate the public about the operations and activities of government, particularly Department of Defense policies which concern our Nation's security and the Armed Forces, and to increase public understanding of the regulations and laws that govern personnel policies in our Armed Forces.

In the event this application for a waiver of search and/or duplication costs is denied, CMR and Elaine Donnelly are willing to pay fees for this request. If you estimate that the fees will exceed \$200.00, please inform me first.

In an effort to facilitate record production within the statutory time limit, I am willing to accept documents in electronic format (e.g. e-mail and Adobe pdf formatted files). When necessary, I am also willing to accept "rolling production" of documents.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact Erin Mersino, Senior Trial Counsel at the Thomas More Law Center at (734) 827-2001 or emersino@thomasmore.org.

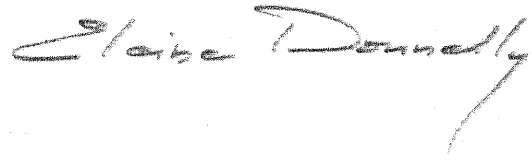
We look forward to receiving the requested documents within ten (10) business days. We also look forward to receiving a waiver of both search and duplication costs within ten (10) business day as well. Thank you in advance for your cooperation and prompt attention to this important matter. Please furnish all applicable records to Erin Mersino, address and e-mail below, who will act as the contact person for Elaine Donnelly and the Center for Military Readiness.

If you deny this request in whole or in part, we request that you do so by reference to the appropriate section and paragraph of the Freedom of Information Act, together with a complete explanation of the basis for your denial for each requested document. Please contact me at (734) 827-2001 if necessary to discuss any aspect of this request. I appreciate your attention to this matter.

Sincerely,
THOMAS MORE LAW CENTER


Erin Mersino, Esq.

CENTER FOR MILITARY READINESS

A handwritten signature in black ink that reads "Elaine Donnelly". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Elaine Donnelly
President, Center for Military Readiness
P. O. Box 51600
Livonia, MI 48151
734/464-9430
www.cmrlink.org

EXHIBIT 1

Department of the Army Letter Granting Fee Waiver to Elaine
Donnelly of the Center for Military Readiness (CMR)

**Enclosed: Department of the Army Letter granting Fee Waiver dated
5 October 2011 and corresponding FOIA Request dated 31 August 2011**



DEPARTMENT OF THE ARMY
OFFICE OF THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY
200 STOVALL STREET
ALEXANDRIA, VA 22332-1800

REPLY TO
ATTENTION OF

October 5, 2011

CHIEF ATTORNEY &
LEGAL SERVICES DIRECTORATE

Erin Chau
Trial Counsel
24 Frank Lloyd Wright Dr.
P.O. Box 393
Ann Arbor, MI 48106

Dear Ms. Chau:

Our office has received a copy of your Freedom of Information Act (FOIA) request dated August 31, 2011, in reference to all records, reports, statements, or recordings between and/or among the military Chiefs of Staff to the Secretary of Defense pertaining to the implementation of the repeal of the "Don't Ask, Don't Tell" policy. We assigned your request our office tracking number, FA-11-0729.

The Army's FOIA Regulation, AR 25-55, requires that an Initial Denial Authority (IDA) make initial determination to release or deny records requested under the FOIA. The Administrative Assistant to the Secretary of the Army delegated Initial Denial Authority (IDA) under the FOIA to the Chief Attorney, to act for the Secretary of the Army on requests for records maintained by the office of the Secretary of the Army. Any correspondence should be sent to the address on this letterhead, ATTN: JDRP-CA, FOIA Chief.

We do not maintain records responsive to FOIA requests within this office. Sometimes many offices are involved in FOIA inquiry and completion of a request can take weeks and sometimes months. Various offices could possibly be tasked by us to review documents, requiring time and patience. We will, of course, inform you in writing of all transfers and taskings as they occur.

Based on general fairness to the public, the FOIA establishes a queuing concept, "first-in, first-out", on an easy-hard basis, and controlled in response queues. In reality, the Chief Attorney receives many FOIA requests on behalf of Headquarters, Department of the Army. The handling of backlogged cases on a "first-in, first-out" basis is a practice that has been recognized by the courts. See, e.g., Open American v. Watergate Special Prosecution Force, 547 F.2d. 605, 614-16 (D.C. Cir. 1976).

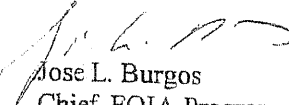
- 2 -

Upon your request, your fee waiver has been granted. Additionally, your request for an expedited processing of your FOIA request has also been granted. As soon as the records responsive to your request, if any, are received by this office, we will review them and make a release determination.

We try to act on requests promptly, but circumstances do not always permit us to respond as quickly as we wish. Nevertheless, we will work to respond to you as expeditiously as possible and are sorry for any inconvenience a delay may cause. We ask your patience as your request runs its due course based upon its relative ranking in our queue.

If you have questions or concerns regarding your current FOIA request, please contact Alex Lange at (703) 428-0309 or Alexander.e.lange@us.army.mil. In all correspondence please refer to FOIA number FA-11-0729.

Sincerely,



Jose L. Burgos
Chief, FOIA Program
Office of the Chief Attorney



**THOMAS MORE
Law Center**

Richard Thompson
President and Chief Counsel
Admitted in Michigan

August 31, 2011

Via Facsimile (703) 428-6522

Department of the Army
FOIA/Privacy Acts Division
ATTN: AHRC-PDD-FP
7701 Telegraph Road
Alexandria, VA 22315-3860

**Re: I. Freedom of Information Act Request
II. Request for Expedited FOIA Request
III. Application for Waiver or Limitation of Fees**

To Whom It May Concern:

The Thomas More Law Center, on behalf of Elaine Donnelly and the Center for Military Readiness, requests information pursuant to the Freedom of Information Act (5 U.S.C. § 552), et seq., and the Department of Defense implementing regulations, 32 CFR 286.4. Elaine Donnelly is the President of the Center for Military Readiness (CMR), a nonpartisan 501(c)(3) public policy, educational, and media organization. The Thomas More Law Center, a public interest law firm based in Ann Arbor, Michigan, requests the information on behalf of Ms. Donnelly, who is a member of the news media. Elaine Donnelly frequently writes for and provides interviews to major print and broadcast media.

I. Freedom of Information Act Request

Under the Freedom of Information Act (5 U.S.C. § 552), the following documents are hereby requested:

1. All records, reports, notes, documents, memoranda, e-mails, statements, or communications between and/or among the military Chiefs of Staff to the Secretary of Defense, and/or the Chairman of the Joint Chiefs of Staff relating to, commenting on, or expressing concerns about implementation of the congressional repeal of 10 U.S.C. § 654, commonly known as the "Don't Ask, Don't Tell" policy, which were made available to members of the House Armed Services Committee between July 28 and August 4, 2011.
2. All records, reports, notes, documents, memoranda, e-mails, statements, or communications between and/or among the military Chiefs of Staff to the Secretary of Defense and/or the Chairman of the Joint Chiefs of Staff relating to, commenting on, or expressing concerns about implementation of the congressional repeal of 10 U.S.C. § 654.
3. All records, reports, notes, documents, memoranda, e-mails, statements, or communications between and/or among the various military combatant commanders to the military Chiefs of Staff, the Secretary of Defense and/or the Chairman of the Joint Chiefs of Staff relating to or

referencing any and all concerns and/or comment(s) with regard to implementation of the congressional repeal of 10 U.S.C. § 654.

4. All records, reports, notes, documents, memoranda, e-mails, statements, or communications between and/or among the various military combatant commanders to the military Chiefs of Staff, the Secretary of Defense, and/or the Chairman of the Joint Chiefs of Staff relating to or referencing any and all concerns and/or comment(s) with regard to implementation of the congressional repeal of 10 U.S.C. § 654 passed by the 111th Congress, which were made available to members of the House Armed Services Committee between July 28 and August 4, 2011.
5. Records, sound recordings, or transcripts of the meeting and/or briefing and/or hearing conducted by the House Armed Services Committee on July 28, 2011 between and/or among the Department of Defense General Counsel Jeh Johnson, Major Gen. Steven Hummer, and Virginia Penrod, Chief of Staff of the Repeal Implementation Team, on the subject of the congressional repeal of 10 U.S.C. § 654.
6. All records, reports, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, statements, or recordings relating to the implementation of the congressional repeal of 10 U.S.C. § 654 between and/or among the military Chiefs of Staff and subordinate combatant commanders and/or their respective representatives.
7. All records, reports, notes, documents, memoranda, e-mails, videotapes, tape recordings, statements, or recordings relating to the rules, regulations, or policies regarding the congressional repeal of 10 U.S.C. § 654 between and/or among the military Chiefs of Staff and subordinate combatant commanders and/or their respective representatives.
8. All records, reports, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings relating to the regulations and/or policies required for the congressional repeal of 10 U.S.C. § 654 between the Secretary of Defense and/or agents or representatives of the military Chiefs of Staff and subordinate combatant commanders and/or their respective representatives.
9. All records, reports, notes, documents, memoranda, e-mails, statements, or communications relating to monitoring the workforce climate during the implementation of the congressional repeal of 10 U.S.C. § 654 between and/or among the Secretary of Defense and the military Chiefs of Staff and/or combatant commanders or their respective representatives.
10. All records, reports, notes, documents, memoranda, e-mails, statements, or communications relating to the monitoring of command climate and military effectiveness during the implementation of the congressional repeal of 10 U.S.C. § 654 between and/or among the military Chiefs of Staff and subordinate combatant commanders and/or their respective representatives.
11. All records, reports, notes, documents, memoranda, e-mails, statements, or communications relating to unit cohesion and the congressional repeal of 10 U.S.C. § 654 between and/or

among the military Chiefs of Staff and subordinate combatant commanders and/or their respective representatives.

12. All records, reports, notes, documents, memoranda, e-mails, statements, or communications relating to recruiting and the congressional repeal of 10 U.S.C. § 654 between and/or among the Chiefs of Staff and subordinate commanders and/or their respective representatives, and/or private contractors engaged to conduct surveys related to recruiting and propensity to serve following implementation of the congressional repeal of 10 U.S.C § 654
13. All records, reports, notes, documents, memoranda, e-mails, statements, or communications relating to family readiness and the congressional repeal of 10 U.S.C. § 654 between and/or among the military Chiefs of Staff and subordinate combatant commanders and/or their respective representatives.
14. All records, reports, notes, documents, memoranda, e-mails, statements, or communications relating to policies concerning leadership and/or guidance and the congressional repeal of 10 U.S.C. § 654 between and/or among the military Chiefs of Staff and subordinate combatant commanders and/or their respective representatives.
15. All records, reports, notes, documents, memoranda, e-mails, statements, or communications relating to policies and/or training on standards of conduct and the congressional repeal of 10 U.S.C. § 654 between the military Chiefs of Staff and subordinate combatant commanders and/or their respective representatives.
16. All records, reports, regulations, policies, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings relating to changes to policies and/or regulations and the congressional repeal of 10 U.S.C. § 654 between and/or among the military Chiefs of Staff and subordinate combatant commanders and/or their respective representatives, including but not limited to the subjects of personnel management, leadership and training, facilities, investigations, and benefits.
17. Any and all policies and/or regulations being proposed due to implementation of the congressional repeal of 10 U.S.C. § 654, including but not limited to the subjects of personnel management, leadership and training, facilities, investigations, and benefits.
18. Any and all change(s) to the Uniform Code of Military Justice (10 U.S.C. § 801, et. seq.), including all records, reports, notes, documents, memoranda, e-mails, statements, or communications referencing said change(s) proposed and/or considered and/or set for commencement due to implementation of the congressional repeal of 10 U.S.C. § 654.
19. All records, reports, regulations, policies, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings relating to monitoring and/or evaluating existing legislative proposals related to congressional repeal of 10 U.S.C. § 654 between and/or among the Chiefs of Staff and subordinate commanders and/or their respective representatives.

20. All records, reports, regulations, policies, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings relating to monitoring and/or evaluating legislative proposals to the congressional repeal of 10 U.S.C. § 654 introduced in the 112th Congress between and/or among the military Chiefs of Staff and subordinate commanders and/or their respective representatives.
21. All records, reports, regulations, policies, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings relating to medical benefits and/or life insurance benefits for same-sex couples and/or homosexual(s) in the military upon implementation of the congressional repeal of 10 U.S.C. § 654 between and/or among the military Chiefs of Staff and subordinate commanders and/or their respective representatives.
22. All records, reports, notes, documents, memoranda, e-mails, statements, or communications relating to military housing and/or any and all living arrangements for same-sex couples and/or homosexual(s) in the military upon implementation of the congressional repeal of 10 U.S.C. § 654 between and/or among the military Chiefs of Staff and subordinate commanders and/or their respective representatives.
23. All records, reports, regulations, policies, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings relating to military housing and/or any and all living arrangements for heterosexual, non-married couples upon implementation of the congressional repeal of 10 U.S.C. § 654 between and/or the military Chiefs of Staff and subordinate commanders and/or their respective representatives.
24. All records, reports, regulations, policies, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings relating to childcare for the children and/or adopted children of homosexual(s) and/or same-sex couples upon the congressional repeal of 10 U.S.C. § 654 between and/or among the military Chiefs of Staff and subordinate commanders and/or their respective representatives.
25. All records, reports, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings relating in any way to a survey connected with the Department of Defense's Comprehensive Review Working Group ("CRWG") given to service men and women on or about July 7, 2010 between and/or among the military Chiefs of Staff and subordinate commanders and/or their respective representatives.
26. All records, reports, notes, documents, memoranda, e-mails, statements, or communications to or from Jeh Johnson on or about July 4, 2010 up to and including July 7, 2010 relating in any way to the survey connected with the Department of Defense's Comprehensive Review Working Group ("CRWG") given to service men and women on or about July 7, 2010.

27. All records, reports, notes, documents, memoranda, e-mails, videotapes, tape recordings, PowerPoint presentations, statements, or recordings to or from Jeh Johnson relating in any way to the Inspector General's Report issued on or about April 30, 2011.
28. All records, reports, notes, documents, memoranda, e-mails, videotapes, tape recordings, PowerPoint presentations, statements, or recordings of the Department of Defense relating in any way to the Inspector General's Report issued on or about April 30, 2011, including but not limited to transcripts of interviews taken in relationship to the Inspector General's Report issued on or about April 30, 2011.
29. All records, reports, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings between and/or among the military Chiefs of Staff and subordinate commanders and/or their respective representatives relating in any way to the Defense of Marriage Act and the congressional repeal of 10 U.S.C. § 654, and/or the military's treatment of same-sex or homosexual couples united by "marriage" and/or civil unions and/or the military's recognition of same-sex or homosexual couples united in "marriage" and/or civil unions.
30. All records, reports, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings relating to a hotline or a confidential communication system for troops to use to report problems with the implementation of the congressional repeal of 10 U.S.C. § 654.
31. All records, reports, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings made by military Chiefs of Staff discussing how to handle a subordinate officer or enlisted personnel encounter relating to favoritism or discrimination by subordinate commanders due to the congressional repeal of 10 U.S.C. § 654.
32. All records, reports, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings between and/or among members of the House Armed Services Committee and military Chiefs of Staff relating to the implementation of the congressional repeal of 10 U.S.C. § 654 and any and all policies and/or regulations.
33. All records, reports, notes, documents, memoranda, e-mails, photographs, videotapes, tape recordings, PowerPoint presentations, statements, or recordings made by or received by military Chiefs of Staff relating to the Uniform Code of Military Justice provisions regarding sodomy and the congressional repeal of 10 U.S.C. § 654.

II. Request for Expedited FOIA Request

The Department of Defense provides expedited processing when the information requested is urgently needed by an organization primarily engaged in disseminating information to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II); 32 C.F.R. § 286.4(d)(3)(ii). The requestor, Elaine Donnelly, heads a non-

profit public interest group and uses her editorial skills to create and distribute work for the purpose of disseminating information to the public. See *ACLU v. Dept. of Justice*, 321 F. Supp. 2d 24, 30 (D.D.C. 2004). Elaine Donnelly has no commercial interest in the documents requested.

A compelling need for expedited processing for this FOIA request exists as the information requested loses particular value after September 20, 2011. The requested documents concern the congressional repeal of 10 U.S.C. § 654, and therefore concern the operations or activities of the government, specifically the United States Military. Public urgency exists to obtain the requested documents which will contribute to understanding of our government's activities. Furthermore, the documents will significantly contribute to the public's understanding of the matters surrounding the congressional repeal of 10 U.S.C. § 654 and the implementation of the new "non-discrimination" law.

In December of 2010, Congress voted for the Repeal of 10 U.S.C. § 654. The congressional bill specified that the current law, 10 U.S.C. § 654, would remain in place until the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff of the military certified that the repeal would not adversely affect military readiness, followed by a sixty day waiting period. The sixty day waiting period ends in just a few weeks on September 20, 2011.

The congressional bill requires the Secretary of Defense to order review and establish the following objectives prior to the congressional repeal legally taking effect on September 20, 2011:

"Determine any impacts to military readiness, military effectiveness and unit cohesion, recruiting/retention, and family readiness that may result from repeal of the law and recommend any actions that should be taken in light of such impacts. Determine leadership, guidance, and training on standards of conduct and new policies. Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits. Recommend appropriate changes (if any) to the Uniform Code of Military Justice. Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. § 654 and proposals that may be introduced in the Congress during the period of the review. Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation. Evaluate the issues raised in ongoing litigation involving 10 U.S.C. § 654."

10 U.S.C. § 654(a)(2)(A)-(G).

The information requested under the Freedom of Information Act (5 U.S.C. § 552) in this letter pertains directly to the requirements for the congressional repeal of 10 U.S.C. § 654 to lawfully take effect on September 20, 2011- a mere *seventeen business days* from the date of this letter being sent. Military effectiveness, combat readiness, and policies affecting our Nation's security are vital issues to the public and to the safety of our Nation. Openness and public access to the described documents, which concern a major modification to our Nation's military policies

and regulations, should be viewed by the public eye to ensure governmental compliance with the legislation, including the terms and conditions of the legislation.

In the words of President Obama himself, "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails." Openness in connection to this request is of high importance and of the most time-sensitive in nature. The congressional repeal of 10 U.S.C. § 654 is scheduled to modify the policies and regulations of the military in less than a month. Without expedited processing, the value of the information is sure to substantially diminish when after September 20, 2011 the congressional repeal becomes law. Disallowing the public to view documents pertaining to the congressional repeal of the law in an expeditious manner fails to uphold the guarantees of the Freedom of Information Act and directly conflicts with the principle that "openness prevails."

III. Application for Waiver or Limitation of Fees

I also hereby request a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552 (a)(4)(A)(iii). Elaine Donnelly is entitled to a waiver of search fees under 5. U.S.C. § 552(a)(4)(A)(ii)(II) because she is the President of the Center for Military Readiness, a public policy, educational, and media organization, and she personally is a member of the news media. Elaine Donnelly has published articles on military personnel issues in many newspapers and magazines nationwide, including the Washington Post, USA Today, the Boston Globe, Congressional Quarterly Researcher, U.S. News & World Report, Human Events, National Review Online, the Washington Times, the American Thinker, and the Naval Institute's Proceedings. Elaine Donnelly has appeared on most network and cable channel networks, and participated in a PBS two-hour National Review "Firing Line" debate. Elaine Donnelly has also participated in educational programs sponsored by the Naval Institute, Hillsdale College, the Foreign Policy Institute, the Konrad Adenauer Foundation, the Heritage Foundation, Independent Women's Forum, and a number of events sponsored by veterans' groups and military academy alumni organizations. Elaine Donnelly routinely obtains information about the operations and activities of government and uses her editorial skills to turn this information into distinct news articles, disseminating the articles to the public via an internet website, radio, and television. She intends to do likewise with the records she receives in response to this request.

The particular documents requested herein are sought as part of ongoing efforts to document and to educate the public on the operations and activities of the federal government regarding the congressional repeal of 10 U.S.C. § 654 scheduled to take effect after September 20, 2011.

This request merits a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii). Under this provision, records:

"Shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in commercial interest of the requester."

5 U.S.C. § 552(a)(4)(A)(iii).

Once Elaine Donnelly receives the requested records, she intends to analyze and disseminate the information, as well as educate the public via radio programs, websites, newsletters, and other media outlets. The records will also be made available to other members of the media or researchers upon request. Elaine Donnelly has proven the ability to disseminate such records and information as demonstrated by her long-standing and continuing public outreach efforts, including radio and television programs, website, newsletter, periodic published reports, public appearances, and other educational undertakings.

The Center for Military Readiness is a 501(c)(3), nonprofit, educational organization, and by definition has no commercial purpose. The Center for Military Readiness exists to educate the public about the operations and activities of government, particularly policies which concern our Nation's security and the Armed Forces, and to increase public understanding of the rules and regulations that govern our Armed Forces.

In the event this application for a waiver of search and/or duplication costs is denied, I am willing to pay fees for this request. If you estimate that the fees will exceed \$200.00, please inform me first.

In an effort to facilitate record production within the statutory time limit, I am willing to accept documents in electronic format (e.g. e-mail and Adobe pdf formatted files). When necessary, I am also willing to accept "rolling production" of documents.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact Erin Chau, Trial Counsel at the Thomas More Law Center at (734) 827-2001 or echau@thomasmore.org.

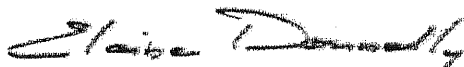
We look forward to receiving the requested documents within ten (10) business days. We also look forward to receiving a waiver of both search and duplication costs within ten (10) business day as well. Thank you in advance for your cooperation and prompt attention to this important matter.

Please furnish all applicable records to Erin Chau, address and e-mail below, who will act as the contact person for Elaine Donnelly and the Center for Military Readiness.

Erin Chau
Thomas More Law Center
24 Frank Lloyd Wright Dr.
P.O. Box 393
Ann Arbor, MI 48106
echau@thomasmore.org

Certification For Expedited Processing

I affirm that the information provided to support the request for expedited processing is true and correct to the best of my knowledge.



Elaine Donnelly

Sincerely,

THOMAS MORE LAW CENTER



Erin Chau, Esq.
Trial Counsel
24 Frank Lloyd Wright Dr.
P.O. Box 393
Ann Arbor, MI 48106
echau@thomasmore.org
(734) 827-2001