

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

Mattathias Schwartz
The New York Times Magazine
1921 Kalorama Road NW
Apt 405
Washington , DC 20009
Phone 202-864-9255
mattathias.schwartz@nytimes.com

Requester Default Category: News Media

Custom Fields

Requester Control # :
Previous Address 2 :

General Information

Request Type FOIA
Requester Category News Media

Shipping Address

Street1 1921 Kalorama Road NW
Street2 Apt 405
City Washington
State District of Columbia
State (Other)
Country United States
Zip Code 20009

Request Information

Description Document
Description All records containing, summarizing, or otherwise relating to communications between (1) any individual within JCS/OSD and (2) the (a) President, or the (b) Vice President, or any individual within the (c) National Security Council or the (d) Executive Office of the President. Please limit this request to communications that occurred on January 5 and January 6, 2021 and are relevant to protests and related violence that occurred on that day, and/or preparations made for that day.
Date Range for Record Search:From 01/05/2021
Date Range for Record Search:To 01/06/2021
Consent
Proof of Identity

Fee Information

Willing Amount \$25

Billing Address

State (Other)

Other Information

State (Other)

Custom Fields

Requester #

OSD/JS FOIA Requester Service Center
Freedom of Information Division
1155 Defense Pentagon
Washington, DC 20301-1155
VIA EMAIL, c/o Celeste N. Killins: celeste.n.killens.civ@mail.mil

January 22, 2021

To Whom It May Concern:

This is a request under the Freedom of Information Act, updating my previous FOIA request 21-F-0422 to include a request for expedited processing. Please confirm receipt of this updated request via email to mattathias.schwartz@nytimes.com.

On behalf of the New York Times Magazine and myself, jointly, I request that you provide us copies of the records identified and described below – or of records containing the information identified and described below.

All records containing, summarizing, or otherwise relating to communications between (1) any individual within JCS/OSD and (2) the (a) President, or the (b) Vice President, or any individual within the (c) National Security Council or the (d) Executive Office of the President. Please limit this request to communications that occurred on January 5 and January 6, 2021 and are relevant to protests and related violence that occurred on that day, and/or preparations made for that day.

As noted in FOIA request 21-F-0422, I am requesting that you search records dated between January 5, 2021 and January 6, 2021.

We specifically request all portions of any record responsive to the description above. If you withhold any record or any portion of a record as exempt, we specifically request the release of all segregable non-exempt portions, including but not limited to email header information (e.g. sender, recipients, date, subject) and analogous information in all non-email documents.

If you withhold any record or portion of a record, please specify which statutory exemptions are claimed for each withholding. Please separately state how disclosure would harm an interest protected by the cited exemption. Please describe each record withheld, including its date and size (e.g., amount of electronic memory or number of paper pages).

REQUEST FOR EXPEDITED PROCESSING

We requested expedited processing for this request because the Magazine and I are “primarily engaged in disseminating information,” and there is “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II). Specifically, the topic of the January 6 protests in Washington and the

Defense Department's preparations for and response to those protests, as well as the topic of the Department's communications with the White House and other entities within the Executive Branch, are matters of immediate concern to the American public, given extensive media interest in those protests and their aftermath. These matters are the subject of imminent impeachment proceedings and inquiries to be conducted by congressional committees and a proposed bipartisan commission.

We expect that duplication fees for producing electronic records will be minimal. If there are processing fees greater than \$25, inform me before you fill the request and I will provide information in support of a public interest fee waiver.

Please feel free to contact me about any aspect of this request. In principle, we are willing to consider ways in which the request might reasonably be narrowed.

I certify that the information I have provided is true and correct. Thank you for your attention to this request.

Sincerely,

A handwritten signature in black ink that reads "Mattathias Schwartz". The signature is written in a cursive, flowing style.

Mattathias Schwartz
The New York Times Magazine
Phone: 202-864-9255
Email: mattathias.schwartz@gmail.com



Mattathias Schwartz <mattathias.schwartz@nytimes.com>

FOIA Request 21-F-0423 Interim Response

Mattathias Schwartz <mattathias.schwartz@nytimes.com>

Wed, Feb 17, 2021 at 2:24 PM

To: "Coen, Michael E Jr CIV (USA)" <michael.e.coen2.civ@mail.mil>

Cc: "Fisher, Stephen L CIV WHS ESD (US)" <stephen.l.fisher.civ@mail.mil>

Thank you, Michael. Subsection 552(a)(6)(E) of the FOIA states that expedited processing shall be provided when the person requesting the records demonstrates a "compelling need." 5 U.S.C. § 552(a)(6)(E)(v)(II) defines "a compelling need" as an "urgency to inform the public concerning actual or alleged Federal Government activity" if the request is made by "a person primarily engaged in disseminating information."

As a contributing writer at the New York Times Magazine and a professional journalist, I am "a person primarily engaged in disseminating information." A list of my previous articles for the New York Times can be found here:

<https://www.nytimes.com/by/mattathias-schwartz>.

The legislative history of the FOIA can be found at H.R. Rep. No. 104-795, at 26 (1996). That history elucidates the "urgency to inform" standard along these lines: "Information requested should pertain to a matter of a current exigency to the American public and that a reasonable person might conclude that the consequences of delaying a response to a FOIA request would compromise a significant recognized interest."

In this case, the matter of "current exigency to the American public" is determining what role the White House played during the events of January 6 and whether actions (or the lack of action) taken by the president or others in the executive branch had any effect on the time at which additional security personnel arrived to secure the Capitol after it had been breached and overrun by rioters. The matter is exigent because there is one inquiry now underway into the events of January 6 -- see

<https://www.rollcall.com/2021/01/15/pelosi-taps-retired-lt-general-russel-honore-to-conduct-capitol-security-review/>

-- and additional inquiries and/or commissions likely to get underway in the near future. See:

<https://www.cbsnews.com/news/pelosi-commission-january-6-capitol-attack/>.

Furthermore, evidence regarding the role of the White House would be potentially relevant to more than 200 legal cases impacting individuals who are alleged to have participated in the riot. See:

<https://www.usatoday.com/storytelling/capitol-riot-mob-arrests/> and

see also <https://www.insider.com/all-the-us-capitol-pro-trump-riot-arrests-charges-names-2021-1>.

Withholding the requested records would risk depriving investigators and prosecutors of critical information regarding a historic event at the precise moment when that information would have the greatest potential impact on their proceedings.

Furthermore, the requested records pertain to a matter of current exigency to the American public, as indicated by the recent impeachment and trial of former President Donald Trump, which focussed almost exclusively on his actions on January 6. That impeachment has now concluded, but Congress has indicated that it will continue to pursue its investigation of that day through a 9/11-Commission-style inquiry that could potentially, according to HPSCI Chairman Adam Schiff, result in criminal referrals. See:

<https://twitter.com/rgoodlaw/status/1361760204547883011>.

The "significant recognized interest" that would be compromised by a delay is the public's need to understand the root causes of the January 6 riot and hold any wrongdoers accountable. The importance of this interest, as indicated by the impeachment proceeding, has been publicly recognized by Congress. The role of the White House on January 6 will not be fully understood without an examination of any discussions of deploying additional security and/or reinforcements that were made on January 5 or 6 and related conversations; these are precisely the records that this request seeks to produce.

The "actual or alleged Federal Government activity" which this request seeks to inform the public about is the responsiveness (or lack for responsiveness) from the White House as the security situation around the Capitol was modeled (on January 5) and then become more dire (on January 6). Questions about the White House's degree of responsiveness, which these records would shed light on, have already been the subject of significant news coverage: See:

<https://www.voanews.com/usa/us-politics/impeachment-manager-trump-watched-storming-capitol-tv> and also https://www.washingtonpost.com/politics/trump-mob-failure/2021/01/11/36a46e2e-542e-11eb-a817-e5e7f8a406d6_story.html.

The question of the White House's responsiveness and preference for either putting an end to or prolonging the riot was also raised during the impeachment proceeding. See:

<https://www.nytimes.com/2021/02/12/us/kevin-mccarthy-trump-herrera-beutler.html>.

The requested records would be invaluable in answering the question of whether the White House responded to the riot as promptly as possible, or whether there was any willful delay. The January 5 records would help establish a baseline of White House attitudes towards the rally beforehand and could indicate the degree to which both the White House and the Pentagon anticipated the possibility of violence and took it seriously.

Thank you again for considering all this and please let me know if you have any additional questions.

[Quoted text hidden]



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

Ref: 21-F-0422
February 18, 2021

Mr. Mattathias Schwartz
The New York Times Magazine
1921 Kalorama Road NW
Apartment 405
Washington, D.C. 20009

Dear Mr. Schwartz:

This is in further response to your January 11, 2021 Freedom of Information Act (FOIA) request, and follow up request for expedited processing dated February 17, 2021. As previously stated, we received your initial request on January 12, 2021, and assigned it FOIA case number 21-F-0422. We ask that you use this number when referring to your request.

Upon review of your request, we are granting expedited processing in accordance with our Department of Defense (DoD) Regulation found at 32 CFR Part 286. Your request has been placed in our expedited processing queue and is currently being worked. We have initiated the necessary search actions with the appropriate components of the Office of the Secretary of Defense (OSD).

For your awareness, please understand that the granting of expedited processing does not provide for a guarantee that your request will be completed by a certain date, as all of our required procedures for searching and reviewing any records located must be followed. In fact, 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 which 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 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 record 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. These circumstances impact the total time required to process your request to completion, so placing your request at the top of the FOIA queue, simply means that the work of processing your request is underway.

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 wish to narrow the scope of your request or have questions about the foregoing, please do not hesitate to contact the Action Officer assigned to your request, Michael Coen at Michael.e.coen2.civ@mail.mil or 571-372-0413.

Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Tonya R. Fuentes, at 571-372-0462 or by email at OSD.FOIALiaison@mail.mil, or the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows:

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

We regret the delay in responding to your request and appreciate your patience. As previously stated, please contact the Action Officer assigned to your request, Michael Coen, and reference FOIA case number 21-F-0422 if you have any questions or concerns.

Sincerely,

Stephen L. Fisher

For Stephanie L. Carr
Chief

Enclosure:
As stated



FOIA Request 21-F-0423 Interim Response

Coen, Michael E Jr CIV (USA) <michael.e.coen2.civ@mail.mil>
To: Mattathias Schwartz <mattathias.schwartz@nytimes.com>

Wed, Apr 14, 2021 at 3:31 PM

Good Afternoon,

The estimated completion date I have received is September 2021. The request could be completed sooner but this is an estimate taking into account search, review and any consultations that need to be completed.

v/r

Michael Coen
Government Information Specialist
Freedom of Information Division
OSD/JS FOIA Requester Service Center
Office: (571) 372-0413
NIPR: michael.e.coen2.civ@mail.mil
SIPR: Michael.e.coen2.civ@mail.smil.mil

Comments: <https://ice.disa.mil/index.cfm?fa=card&sp=125562>

-----Original Message-----

From: Mattathias Schwartz <mattathias.schwartz@nytimes.com>
Sent: Wednesday, April 14, 2021 1:55 PM
To: Coen, Michael E Jr CIV (USA) <michael.e.coen2.civ@mail.mil>
Subject: Re: [Non-DoD Source] Re: FOIA Request 21-F-0423 Interim Response

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Hi Michael, any luck?

On Mon, Apr 12, 2021 at 12:05 PM Mattathias Schwartz <mattathias.schwartz@nytimes.com> wrote:

>
> Thank you, Michael. Much appreciated.
>
> On Mon, Apr 12, 2021 at 11:17 AM Coen, Michael E Jr CIV (USA)
> <michael.e.coen2.civ@mail.mil> wrote:
> >
> > Good Morning,
> >
> > I have requested a status update for your request. I will provide that as soon as I receive a response.
> >
> > v/r
> >
> > Michael Coen
> > Government Information Specialist
> > Freedom of Information Division
> > OSD/JS FOIA Requester Service Center
> > Office: (571) 372-0413
> > NIPR: michael.e.coen2.civ@mail.mil



Mattathias Schwartz <mattathias.schwartz@nytimes.com>

FOIA Request 21-F-0423 Interim Response

Mattathias Schwartz <mattathias.schwartz@nytimes.com>

Wed, Oct 6, 2021 at 10:21 AM

To: "Coen, Michael E Jr CIV WHS ESD (USA)" <michael.e.coen2.civ@mail.mil>

Hi Michael, We're a few days into October now, so I'd like to request a formal update and a new estimated completion date, as necessary.
Best, Matt

On Thu, Sep 30, 2021 at 12:00 PM Mattathias Schwartz
<mattathias.schwartz@nytimes.com> wrote:

>
> Hi Michael,
>
> Good talking to you yesterday. As discussed, I have a new role as a
> full-time reporter for Insider, in addition to my ongoing
> responsibilities as a contributing writer for the New York Times
> Magazine. So I think it would be best if we switched this FOIA request
> over to my personal email account, mattathias.schwartz@gmail.com.
>
> Thanks, and best,
>
> Matt

> On Thu, Sep 23, 2021 at 3:24 PM Mattathias Schwartz
> <mattathias.schwartz@nytimes.com> wrote:

>>
>> I'm at 202-864-9255
>>
>> On Thu, Sep 23, 2021 at 3:24 PM Mattathias Schwartz
>> <mattathias.schwartz@nytimes.com> wrote:
>>>
>>> Could you give me a call when you have a chance? Just want to check in
>>> ... also, I'm a little bit concerned about this ...
>>> <https://www.msn.com/en-us/news/politics/biden-white-house-leans-toward-releasing-information-about-trump-and-jan-6-attack-setting-off-legal-and-political-showdown/ar-AAOKhEU?ocid=uxbndlbing>
>>>

>>> On Thu, Sep 23, 2021 at 11:19 AM Mattathias Schwartz
>>> <mattathias.schwartz@nytimes.com> wrote:

>>>>
>>>> I appreciate it, Michael. Let me know what you hear.
>>>>
>>>> On Wed, Sep 22, 2021 at 6:25 PM Coen, Michael E Jr CIV WHS ESD (USA)
>>>> <michael.e.coen2.civ@mail.mil> wrote:

>>>>>
>>>>> Good Evening,
>>>>>
>>>>> I have reached out to the individual reviewing the responsive records for a status update. I hope to have an update to you soon.

>>>>>
>>>>> v/r
>>>>>
>>>>> Michael Coen
>>>>> Government Information Specialist
>>>>> Freedom of Information Division
>>>>> OSD/JS FOIA Requester Service Center
>>>>> Office: (571) 372-0413
>>>>> NIPR: michael.e.coen2.civ@mail.mil
>>>>> SIPR: Michael.e.coen2.civ@mail.smil.mil

Ms. Joo Chung
Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency
4800 Mark Center Drive
ATTN: DPCLTD, FOIA Appeals, Mailbox #24
Alexandria, VA 22350-1700

cc via email: osd.foia-appeal@mail.mil
subject line: Privacy/FOIA Appeal

cc Michael E Coen Jr., Government Information Specialist
OSD/JS FOIA Requester Service Center
via email: michael.e.coen2.civ@mail.com

cc Stephen L Fisher, Government Information Specialist
OSD/JS FOIA Requester Service Center
via email: stephen.l.fisher.civ@mail.mil

cc Tonya R. Fuentes, FOIA Liaison Officer
OSD/JS FOIA Requester Service Center
via email: OSD.FOIALiaison@mail.mil

cc Pam Andrews, Deputy Chief
OSD/JS FOIA Requester Service Center
Freedom of Information Division
1155 Defense Pentagon
Washington, DC 20301-1155

cc Ms. Stephanie Carr, Chief
OSD/JS FOIA Requester Service Center
Freedom of Information Division
1155 Defense Pentagon
Washington, DC 20301-1155

October 19, 2021

Re: Freedom of Information Act Appeal

Dear Ms. Chung,

This is a constructive denial appeal under the Freedom of Information Act pursuant to 5 U.S.C. § 552(a)(6), concerning the Department of Defense's refusal to timely provide records to my January 11, 2021 FOIA Request. That request sought:

All records containing, summarizing, or otherwise relating to communications between (1) any individual within JCS/OSD and (2) the (a) President, or the (b) Vice President, or any individual within the (c) National Security Council or the (d) Executive Office of the President. Please limit this request to communications that

occurred on January 5 and January 6, 2021 and are relevant to protests and related violence that occurred on that day, and/or preparations made for that day.

On January 11, 2021, I filed the above request for documents and other materials under the Freedom of Information Act. My request was assigned FOIA case number 21-F-0422. I requested expedited processing. The request was updated on January 22, 2021. (See Attachment #1.)

On February 4, 2021, my request for expedited processing was denied. On February 17, I appealed that denial.

On February 18, 2021, I received an email from Michael Coen, with an attached letter signed by Stephen L. Fisher writing to me on behalf of Stephanie L. Carr. (See Attachment #2.) That letter indicated that my requested had been granted expedited processing and was “currently being worked.” The letter also indicated that Ms. Carr’s office “regret[ted] the delay in responding to your request and appreciate[d] your patience.”

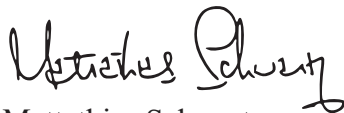
Mr. Fisher’s February letter did not provide an estimated completion date. On April 14, 2021, I received an email from Mr. Coen, that gave the estimated completion date as September 2021. (See Attachment #3)

On October 6, 2021, I sent Mr. Coen an email indicating that the estimated completion date was now past. That email requested a formal update on the status of my original request and “a new estimate completion date,” as necessary. (See Attachment #4) As of October 19, the date of this letter, I have not received a response.

I am yet to receive any documents or other records in response to my request, which is nearly a year old, despite having received expedited processing. The OSD/JS FOIA Requester Service Center has missed its estimated completion date and is now non-communicative upon receipt of my request for a new estimated completion date. These actions, and inactions, constitute a constructive denial of my initial request. I hereby appeal that constructive denial of my January 11, 2021 FOIA Request. Pursuant to 5 U.S.C. § 552(a)(6)(A)(ii), I expect to receive a response to this FOIA appeal within 20 working days.

Please feel free to contact me should you have any questions.

Sincerely,



Mattathias Schwartz
202-864-9255
mschwartz@insider.com

OSD/JS FOIA Requester Service Center
Freedom of Information Division
1155 Defense Pentagon
Washington, DC 20301-1155
VIA EMAIL, c/o Celeste N. Killins: celeste.n.killens.civ@mail.mil

January 22, 2021

To Whom It May Concern:

This is a request under the Freedom of Information Act, updating my previous FOIA request 21-F-0422 to include a request for expedited processing. Please confirm receipt of this updated request via email to mattathias.schwartz@nytimes.com.

On behalf of the New York Times Magazine and myself, jointly, I request that you provide us copies of the records identified and described below – or of records containing the information identified and described below.

All records containing, summarizing, or otherwise relating to communications between (1) any individual within JCS/OSD and (2) the (a) President, or the (b) Vice President, or any individual within the (c) National Security Council or the (d) Executive Office of the President. Please limit this request to communications that occurred on January 5 and January 6, 2021 and are relevant to protests and related violence that occurred on that day, and/or preparations made for that day.

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We specifically request all portions of any record responsive to the description above. If you withhold any record or any portion of a record as exempt, we specifically request the release of all segregable non-exempt portions, including but not limited to email header information (e.g. sender, recipients, date, subject) and analogous information in all non-email documents.

If you withhold any record or portion of a record, please specify which statutory exemptions are claimed for each withholding. Please separately state how disclosure would harm an interest protected by the cited exemption. Please describe each record withheld, including its date and size (e.g., amount of electronic memory or number of paper pages).

REQUEST FOR EXPEDITED PROCESSING

We requested expedited processing for this request because the Magazine and I are “primarily engaged in disseminating information,” and there is “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II). Specifically, the topic of the January 6 protests in Washington and the

Defense Department's preparations for and response to those protests, as well as the topic of the Department's communications with the White House and other entities within the Executive Branch, are matters of immediate concern to the American public, given extensive media interest in those protests and their aftermath. These matters are the subject of imminent impeachment proceedings and inquiries to be conducted by congressional committees and a proposed bipartisan commission.

We expect that duplication fees for producing electronic records will be minimal. If there are processing fees greater than \$25, inform me before you fill the request and I will provide information in support of a public interest fee waiver.

Please feel free to contact me about any aspect of this request. In principle, we are willing to consider ways in which the request might reasonably be narrowed.

I certify that the information I have provided is true and correct. Thank you for your attention to this request.

Sincerely,

A handwritten signature in black ink that reads "Mattathias Schwartz". The signature is written in a cursive style with a large, prominent initial "M".

Mattathias Schwartz
The New York Times Magazine
Phone: 202-864-9255
Email: mattathias.schwartz@gmail.com

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

Mattathias Schwartz

The New York Times Magazine

1921 Kalorama Road NW

Apt 405

Washington , DC 20009

Phone 202-864-9255

mattathias.schwartz@nytimes.com

Requester Default Category: News Media

Custom Fields

Requester Control # :

Previous Address 2 :

General Information

Request Type	FOIA
Requester Category	News Media

Shipping Address

Street1	1921 Kalorama Road NW
Street2	Apt 405
City	Washington
State	District of Columbia
State (Other)	
Country	United States
Zip Code	20009

Request Information

Description Document	
Description	All documents and other records relating to a tabletop exercise regarding DoD contingency response options that took place on the morning of January 6. All open-source reports and other reports relating to protests and related violence that took place in Washington DC on January 6.
Date Range for Record Search:From	01/01/2021
Date Range for Record Search:To	01/06/2021
Consent	
Proof of Identity	

Fee Information

Willing Amount	\$25
----------------	------

Billing Address

State (Other)

Other Information

State (Other)

Custom Fields

Requester #



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

Ref: 21-F-0423
February 4, 2021

Mr. Mattathias Schwartz
The New York Times Magazine
1921 Kalorama Road NW
Apartment 405
Washington, D.C. 20009

Dear Mr. Schwartz:

This is an interim response to your January 11, 2021 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. We received your request on January 12, 2021, and assigned it FOIA case number 21-F-0423. We ask that you use this number when referring to your request.

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 record 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.

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.

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 3,591 open requests.

If you have requested a fee waiver, please note that decisions to waive or reduce fees are made on a case-by-case basis, and we will make a determination concerning your fee waiver request at the conclusion of the search and assessment of responsive records, should they exist. However, this office will only assess fees if we provide the final response to your FOIA request within the statutory time allotted by the FOIA or if the responsive records total more than 5,000 pages, even after a good faith effort on our part to limit the scope of your request.

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 wish to narrow the scope of your request or have questions about the foregoing, please do not hesitate to contact the Action Officer assigned to your request, Celeste Killens, at celeste.n.killens.civ@mail.mil or 571-372-0471.

Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Tonya R. Fuentes, at 571-372-0462 or by email at OSD.FOIALiaison@mail.mil, or the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows:

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 the following address: 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 FOIA case number 21-F-0423 in any appeal correspondence.

We regret the delay in responding to your request and appreciate your patience. As previously stated, please contact the Action Officer assigned to your request, Celeste Killens, and reference FOIA case number 21-F-0423, if you have any questions or concerns.

Sincerely,

For *RStrong*
Stephanie L. Carr
Chief

Enclosure:
As stated



Fwd: FOIA Request 21-F-0423 Interim Response

----- Forwarded message -----

From: **Mattathias Schwartz** <mattathias.schwartz@gmail.com>
Date: Wed, Dec 22, 2021 at 1:12 PM
Subject: Fwd: FOIA Request 21-F-0423 Interim Response
To: <celeste.n.killens.civ@mail.mil>

Hi Celeste,

Any update on this request? It's been nearly a full year. I am hoping you can at least provide an estimated completion date. Thanks and best,

Matt

----- Forwarded message -----

From: Mattathias Schwartz <mattathias.schwartz@nytimes.com>
Date: Wed, Dec 22, 2021 at 1:10 PM
Subject: Fwd: FOIA Request 21-F-0423 Interim Response
To: Mattathias Schwartz <mattathias.schwartz@gmail.com>

----- Forwarded message -----

From: Killens, Celeste N CIV (USA) <celeste.n.killens.civ@mail.mil>
Date: Fri, Feb 5, 2021 at 12:45 PM
Subject: FOIA Request 21-F-0423 Interim Response
To: Mattathias Schwartz <mattathias.schwartz@nytimes.com>

Mr. Schwartz,

Please see attached for the interim response to FOIA request 21-F-0423.

Thank you.

V/r,

Celeste N. Killens
Government Information Specialist
Freedom of Information Division
OSD / JS FOIA Office
571-372-0471