



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

MAR 31 2015

Ref: FOIA-2015-00466

Mr. Patrick G. Eddington
Cato Institute
1000 Massachusetts Avenue, NW
Washington, DC 20001

Dear Mr. Eddington:

This is in response to your March 23, 2015, Freedom of Information Act (FOIA) request. A copy of your request is enclosed for your reference. You also requested expedited processing. We received your request on the same date and assigned it case number FOIA-2015-00466.

You requested expedited processing on the basis of an urgency to inform the public concerning the use of the THINTHREAD and TRAILBLAZER systems. We interpreted your request for expedited processing as being made on the basis of a compelling need, which under Department of Defense FOIA regulations means that failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or the information is needed by an individual primarily engaged in disseminating information who demonstrates that an urgency exists to inform the public concerning an actual or alleged Federal government activity, beyond the public's right to know about the government activity generally. See 32 C.F.R. § 286.4(d)(3)(i) & (ii).

Expedited processing is 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 disseminated quickly, that is, it is the subject of a breaking news story of general public interest. The requested report and supporting documents were produced over ten years. This office does not consider the requested information as part of a breaking news story or that the information will lose value if not processed on an expedited basis. For these reasons, your request for expedited processing is denied.

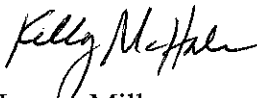
Please note that the requested report, 05-INTEL-03 was previously processed and released under the FOIA. A copy of the report as released in 2011 is enclosed. This office will continue to process and release any remaining responsive records as they become available.

If you are not satisfied with this action, you may submit an administrative appeal to the Department of Defense, Office of Inspector General, ATTN: FOIA Appellate Authority, Suite 17F18, 4800 Mark Center Drive, Alexandria, VA 22350-1500. Your appeal should be

Exhibit B

postmarked within 30 days of the date of this letter, should cite to case number FOIA-2015-00466, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Jeanne Miller

for Chief, Freedom of Information and
Privacy Office

Enclosure(s)
As stated

From: peddington@cato.org
Sent: Monday, March 23, 2015 11:09 AM
To: foiarequests
Subject: Freedom of Information Act Request - Expedited Processing

Your Expedited FOIA request has been sent to the FOIA Office. Thank you!

Date: 3/23/2015
Name: Patrick G. Eddington
Phone Number: 202-216-1440
E-mail Address: peddington@cato.org
Organization: Cato Institute
Address 1: 1000 Massachusetts Avenue, NW
Address 2:
City: Washington
State: District of Columbia
Zip Code: 20001
Country: United States of America

Your Request: To the responsible FOIA Officer: Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of the following information from the Department of Defense Office of Inspector General (hereinafter referred to as "DoD IG"): • The full declassified version of Report 05-INTEL-03, "Requirements for the TRAILBLAZER and THINTHREAD Systems", dated December 15, 2004, as well as all internal NSA correspondence, and documentation supplied by the whistleblowers filing the complaint, that were examined or utilized by the DoD IG in preparing Report 05-INTEL-03 referenced above. • The full declassified versions of any other DoD IG reports, audits or other memoranda relating to the THINTHREAD or TRAILBLAZER programs. • The full declassified versions of any DoD IG reports, audits or other memoranda, including criminal referrals to the Department of Justice, relating to investigations of civil liberties or privacy rights violations by NSA personnel from September 12, 2001 to the date of this request under applicable federal law or executive orders, including the Foreign Intelligence Surveillance Act (as amended), as well as Executive Order 12333 (as amended). In order to help to determine my status to assess fees, you should know that I am a policy analyst and scholar at the Cato Institute, an IRS-recognized 501(c)(3) nonprofit educational and public interest organization. As I am employed by an educational or noncommercial scientific institution, this request is made for a scholarly or scientific purpose and not for a commercial use. I request a waiver of all fees for this request. Disclosure of the requested information to me 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 my commercial interest. The NSA's conduct in this episode is of high public interest from a Constitutional and civil liberties perspective, particularly in light of the fact that the Congress must, before June 1, 2015, vote on whether to continue to authorize NSA surveillance activities that, according to the whistleblowers who filed the original complaint, employ technology and techniques derived from THINTHREAD and related programs, and that also, according to the same whistleblowers as well as multiple civil liberties and privacy organizations, have violated the Fourth Amendment rights of millions of American citizens. Whenever possible, please provide the requested information in electronic format on either CD/DVD or other portable electronic storage device(s) such as "thumb drives". If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. 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 or to deny a waiver of fees. I would appreciate your communicating with me by email or telephone, rather than by mail. My email address is peddington@cato.org and my direct line is 202-216-1440. Please provide expedited processing of this request which concerns a matter of urgency. As a civil liberties policy analyst, I am primarily engaged in disseminating information. The public has an urgent need for information about the NSA's conduct in this episode, which is of high

public interest from a Constitutional and civil liberties perspective, particularly in light of the fact that the Congress must, before June 1, 2015, vote on whether to continue to authorize NSA surveillance activities that, according to the whistleblowers who filed the original complaint, employ technology and techniques derived from THINTHREAD and related programs, and that also, according to the same whistleblowers as well as multiple civil liberties and privacy organizations, have violated the Fourth Amendment rights of millions of American citizens. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief. I look forward to your determination regarding my request for expedited processing within 10 calendar days, as the statute requires. Thank you for your assistance. Sincerely, Patrick G. Eddington Policy Analyst in Civil Liberties and Homeland Security Cato Institute 1000 Massachusetts Ave., NW Washington, DC 20001-5403 202-216-1440 (direct) peddington@cato.org

Please provide a brief explanation to assist us in determining your qualification to receive expedited processing: The information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Department of Defense activity.

Explanations/Reasons: The public has an urgent need for information about the NSA's conduct in this episode, which is of high public interest from a Constitutional and civil liberties perspective, particularly in light of the fact that the Congress must, before June 1, 2015, vote on whether to continue to authorize NSA surveillance activities that, according to the whistleblowers who filed the original complaint, employ technology and techniques derived from THINTHREAD and related programs, and that also, according to the same whistleblowers as well as multiple civil liberties and privacy organizations, have violated the Fourth Amendment rights of millions of American citizens. The information sought should be declassified and made available to me for dissemination prior to any Congressional vote to reauthorize the PATRIOT Act's Sec. 215 provision.

Willingness to Pay: \$100

"I declare under penalty of perjury that I am Patrick G. Eddington and that the statements contained in this document are true and correct."