



Jason Leopold <jasonleopold@gmail.com>

Request for records under Freedom of Information Act

Jason Leopold <jasonleopold@gmail.com>
Reply-To: jasonleopold@gmail.com

Thu, Jun 6, 2019 at 4:22 PM

Freedom of Information and Privacy Acts request:

To: Defense Intelligence Agency
ATTN: DAN-1A (FOIA)
200 MacDill Blvd
Washington, DC 20340-5100

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Jason Leopold/Investigative Reporter BuzzFeed News
Address: 1669 Benedict Canyon Dr., Beverly Hills, CA 90210
Email: JasonLeopold@gmail.com

RECORDS SOUGHT

1. I request disclosure from the Defense Intelligence Agency (DIA) the last 100 emails sent and received from the inbox of Lt. Gen. Michael Flynn and Mr. Flynn's deputy, David Shedd. Moreover, I seek any and all records collected and/or maintained by DIA referring to Lt. Gen. Flynn's job performance, any IG complaints filed against Mr. Flynn, any reports of investigations by the IG involving Mr. Flynn. I seek any and all correspondence (memos, letters, emails) between Lt. Gen. Michael Flynn and Director of National Intelligence James Clapper. I seek any and all records collected and/or maintained by DIA referring to Lt. Gen. Flynn's and David Shedd's resignation. I seek any and all reports written by Lt. Gen. Michael Flynn. I seek copies of DIA's budget and any and all records referring calling upon the DIA to reduce its budget.
2. All records of correspondence between the DIA and the Office of Special Counsel Robert Mueller mentioning or referring to Michael Flynn.

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ADDITIONAL DESCRIPTIVE INFORMATION**Exhibit A**

The following information about the requested report is provided in order to enable the DIA to locate the requested records in part 1 of this request. It is not intended to limit the scope of this request.

The Washington Post [reported](#) on April 30, 2014 that Lt. Gen. Michael Flynn and his deputy David Shedd "will retire from those positions in the coming months [as] part of a leadership shake-up at an agency that is under pressure to trim budgets and shift focus after more than a decade of war, current and former U.S. officials said."

PLEASE NOTE: A portion of this request was previously filed in 2014 and amounted to a constructive denial when DIA failed to respond in the timeframe required under the statute. DIA did not even issue me an acknowledgement letter until 2017. I am refiling a portion of this request which contains a request for additional records. I am prepared to swiftly litigate if DIA fails to respond to my records request in a timely manner.

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

DIA should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

INSTRUCTIONS REGARDING SEARCH

1. *Request for Public Records:*

Please search for any records even if they are already publicly available.

2. *Request for Electronic and Paper/Manual Searches:*

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted. I further request that the agencies conduct a search of its "soft files" as well as files in its locked cabinets.

3. *Request regarding Photographs and other Visual Materials:*

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the agencies maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

4. *Request for Duplicate Pages:*

I request disclosure of any and all supposedly “duplicate” pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all “duplicate” pages.

5. *Request to Search Emails:*

Please search for emails relating to the subject matter of my request.

6. *Request for Search of Records Transferred to Other Agencies:*

I request that in conducting its search, the agencies disclose releasable records even if they are available publicly through other sources outside the agencies, such as NARA.

FORMAT

I request that any releases stemming from this request be provided to me in digital format (soft-copy) on a compact disk or other like media.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I am the senior investigative reporter for BuzzFeed News and formerly senior investigative reporter and on-air correspondent for VICE News. Additionally, my reporting has been published in The Guardian, The Wall Street Journal, The Financial Times, Salon, CBS Marketwatch, The Los Angeles Times, The Nation, Truthout, Al Jazeera English and Al Jazeera America.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), “Documents shall be furnished without any charge ... 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 the government and is not primarily in the commercial interest of the requester.” Disclosure in this case meets the statutory criteria, as the records sought detail the operations and activities of government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

Jason Leopold
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Send me documents and tips, securely and anonymously: tips.buzzfeed.com
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<https://www.buzzfeednews.com/author/jasonleopold>