

June 27, 2019

VIA FOIARSC@nsa.gov

NSA FOIA/ PA Appeal Authority
National Security Agency
9800 Savage Road STE 6932
Fort George G. Meade, MD 20755-6932

To the responsible FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I hereby appeal the denial of expedited processing regarding my request 106992, regarding the Uniting And Strengthening America By Fulfilling Rights And Ensuring Effective Discipline Over Monitoring (USA FREEDOM) Act Of 2015, P.L. 114-23 generated by NSA, including but not limited to any correspondence regarding 1) internal or external reports on the efficacy of programs carried out under P.L. 114-23, including any solicited or unsolicited feedback from technical personnel, intelligence analysts, or others involved in the collection, acquisition, analysis, or dissemination of information derived from any program carried out under the aforementioned authority; 2) any correspondence dealing with the termination or initiation of programs conducted under P.L. 114-23; and 3) the results of any internal or external audits, including classified audits, of programs conducted under P.L. 114-23. The date range of this request is June 3, 2015 to the date of this request.

As a Research Fellow, my job is disseminating information. My publications and multimedia page can be found at the following URL:

<https://www.cato.org/people/patrick-g-eddington>

The public has an urgent need for information about the Executive branch's recently announced decision to terminate a specific domestic surveillance program carried out under the USA Freedom Act. The program in question was one of several exposed by Edward Snowden in 2013 and showed incontrovertibly that Executive branch intelligence and law enforcement elements were conducting mass, unconstitutionally broad surveillance against millions of Americans.

Given the previously lavish Executive branch claims for the urgent need of this program, the sudden decision to terminate raises fundamental questions about the efficacy and legality of any surveillance program carried out under USA Freedom Act. Federal government domestic surveillance activities are a source of media stories on literally a weekly basis, making this a very high-profile topic of intense public and Congressional interest. **Given that on December 15, 2019, unless renewed by Congress, the authority in question will lapse, it is urgent that all relevant material on this program be made public so that a fully informed debate over the merits of programs carried out under USA Freedom Act can take place before any Congressional vote on the fate of the program in question and any others potentially addressed in surveillance oversight legislation.**

In not acknowledging both the looming legislative expiration date for the USA Freedom Act provision in question, as well as the recent Privacy and Civil Liberties Oversight Board hearing on the USA Freedom Act (May 31, 2019), NSA clearly erred regarding the clearly urgent nature of and public interest in this issue in rendering its denial for expedited processing.

Additionally, as a Cato scholar, I meet the statutory definition of a “representative of the news media” per *Cause of Action v. F.T.C.*, 799 F.3d 1108 (D.C. Cir. 2015) as Cato and its scholars (1) gather information of potential interest (2) to a segment of the public; (3) use editorial skills to turn the raw materials into a distinct work; and (4) distribute that work (5) to one or more audiences. **Accordingly, I ask for expedited processing on the above bases.**

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.

Whenever possible, please provide the requested information in electronic Portable Document Format (PDF).

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 cell number is 571-215-3468.

I certify that my statements concerning the need for fee waivers and 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
Research Fellow
Cato Institute

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