

Case No.: 2010-0327

Date Rec'd: 9-8-10

Specialist: Alennis

Related Case: \_\_\_\_\_

**FOIA Resource**

**From:** Jason Smathers [jason.smathers@gmail.com]  
**Sent:** Wednesday, September 08, 2010 3:20 PM  
**Subject:** FOIA request. Subject: FOIA requests resulting in investigation of requester

Dear FOIA Officer:

I hereby submit the following request under the Freedom of Information Act.

**Records Requested**

I request a copy of all FOIA requests including all corresponding internal and external communication, investigative records, and any other resulting record where a FOIA request was sent to your agency. Further, where that request aroused the suspicion of the person or agency who received that FOIA request. Finally, where that FOIA request was provided to an investigator or investigative agency (or they were consulted), not for response, but for investigation into the person requesting the records to determine if the request was for criminal purposes. Additionally, please provide any policy documents or internal communication describing when a FOIA request should be referred to an investigator or an investigative agency.

**News Media Fee Category and authorization of up to \$30 in fees**

I am a member of the News Media as defined in 22CFR171.11(o) and request to be billed according to the news media fee category. I do authorize up to \$30 in fees if this request is denied or fees are incurred further than the exemption allows. I do retain the right to appeal any denial of this request.

(o) Representative of the news media means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

I write for and am gathering news for Witnesses Unto Me, a publication which distributes among other writing, news.

The term news means information that is about current events or that would be of current interest to the public.

My experience in journalism allows me judge the current interest of a topic to the public. I make this request with knowledge and belief the topic is of current interest to the public.

News media include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances when they can qualify as disseminators of ``news'') who make their products available for purchase by the general public.

Witnesses Unto Me disseminates many types of writing, including news. For an example of a recent news article, see "City of Dearborn limits free speech around Arab Festival" written by myself and published June 22, 2010 by Witnesses Unto Me. Witnesses Unto Me is available to the general public and is not limited to any subset of the public.

Freelance journalists may be regarded as working for a news organization if they can demonstrate, such as by past publication, a likelihood of publication through a representative of the news media, even though not actually employed by it.

My articles are frequently published by both Witnesses Unto Me and SBC Voices, the two publications for which I write. I am assured of publication as the publisher of Witnesses Unto Me and a regular columnist with SBC Voices.

## Fee Waiver Request

I am requesting a fee waiver as a person primarily engaged in disseminating information requesting information about alleged government activity and I answer the following six questions to help adjudicate my request for a fee waiver. I have a proven ability to take raw facts, understand them, and create a unique work from them then distribute the information to the general public. This can be verified by reviewing my past articles.

1. The subject matter of the requested records must specifically concern identifiable operations of activities of the government. Request for records for their informational content alone does not satisfy this factor.

**This request specifically concerns handling of FOIA requests, an identifiable operation of the government.**

2. The disclosure of the requested records must be "likely to contribute" to the public understanding of government operations. The requested records must be meaningfully informative in relation to the subject matter of the request and should not already be in public domain.

**The information requested is not currently available to the public to the best of my knowledge. Releasing these records will contribute to the public understanding of how FOIA requests are processed and how suspicious requests are handled.**

3. The disclosure of requested records must contribute to "public understanding of government operations." Disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons. One must demonstrate with reasonable specificity the ability to understand, extract and convey the requested information as well as the ability and intent to actively disseminate the information to the general public.

**Open government is a concern for every American. The results of this request will contribute to the public understanding of the government's handling of FOIA requests.**

4. The disclosure must contribute "significantly" to public understanding of government operations or activities. On balance, the public's understanding of government operations must be significantly greater after disclosure in comparison to the public's understanding prior to disclosure.

**There is currently no understanding in the public about how suspicious FOIA requests are handled. This request will significantly contribute to the public's understanding in this area.**

5. The extent to which disclosure will serve the requester's commercial interest, if any. Status as a nonprofit organization or representative of the news media is not alone sufficient to satisfy this requirement.

**I have absolutely no commercial interest in this request.**

6. The extent to which the identified public interest in the disclosure outweighs the requester's commercial interest.

**I have absolutely no commercial interest in this request, whereas there is a great identified public interest in disclosure.**

**Delivery of records**

You can deliver the documents to me in any of the following ways, listed in order of preference, most desirable first:

Email electronic copy: [jason.smathers@gmail.com](mailto:jason.smathers@gmail.com)

Mail CD Rom or DVD: P.O. Box 781; Topock, AZ 86436-0781

Mail paper copies only if by doing so my out of pocket expense is reduced.

**Format**

Electronic format is preferred. I only request paper copies if my out of pocket expense is reduced by sending paper copies, in which case consider this a request for paper copies. In all other situations, electronic files are preferred. Email is the preferred method of sending electronic files, but web download is another acceptable alternative. Files on CD or DVD in the mail are also acceptable, but doing so adds expensive and time which I hope to avoid.

**In case of denial**

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 fee benefit.

**Certification**

I declare, certify, verify or state, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 8, 2010.

Signed,

/Jason Smathers/

Jason Smathers

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