



FREEDOM OF INFORMATION
ACT REQUEST

FOIA-96-105
Rec'd 3-4-96

February 14, 1996

Dear Freedom of Information Officer:

This is a request under the federal Freedom of Information Act, 5 U.S.C. 553.

Please send me copies of all correspondence (including attachments and enclosures) your agency has received during the past five years from the following members of Congress or members of their staffs, along with your agency's response:

- *U.S. Senator Robert Dole, Kansas
- *U.S. Rep. Newt Gingrich, 6th District, Georgia

You do not have to include routine form letters or "buck slips" in this request. I am primarily interested in original letters in which the Congressmen indicate a personal interest in a specific issue, situation or party.

Please also send me copies of all memos or other documents from the past five years pertaining to phone calls, face-to-face meetings, or other contacts between your agency and these members of Congress or any members of their staffs. Please include copies of any follow up documents or response from your agency.

Please call me if I can modify this request in any way to make it easier for you to fill. I want to work with you to make this request as painless as possible.

While Congress is exempt from the FOI Act, congressional correspondence is not if it is determined to be an agency record. The Supreme Court held in Kissinger v. The Reporters Committee for Freedom of the Press, 445 U.S. 136 (1980), that a record is considered an agency record if the agency exercised "control" over the record by entering the record in the agency's files or using the record for any agency purpose. The only way a Congressman can retain control over a letter is if he clearly makes his intention to retain control known before, or at the time, the letter is sent. They can not do it after the fact (Holy Spirit Assn. v. The CIA, 636-F.2d 838 D.C. Circuit 1980).

Please also send me copies of any other FOIA requests requesting copies of any of the records I am requesting, along with your agency's response.

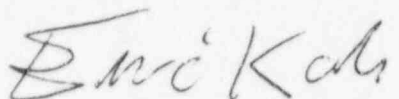
Please also send me, as they become available, copies of any correspondence or records of telephone conversations, meetings, or other communications between your agency and these members of Congress or members of their staffs, or any other party regarding this FOIA request, and their response to your agency.

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Please justify by reference to specific exemptions of the FOI Act any portion of this request that you withhold or delete. I reserve the right to appeal any decision to withhold or delete anything.

I request that you waive all fees associated with this request since disclosure of this information will be "primarily benefiting the general public." This request meets the statutory standard for fee waiver because the information I'm seeking clearly "is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government." I am making this request as a journalist and I intend to use this information for a news story exploring the operations and activities of Congress and the federal government. Please notify me before you fulfill this request if you deny my application for fee waiver so that I may appeal your decision.

Thank you,



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