

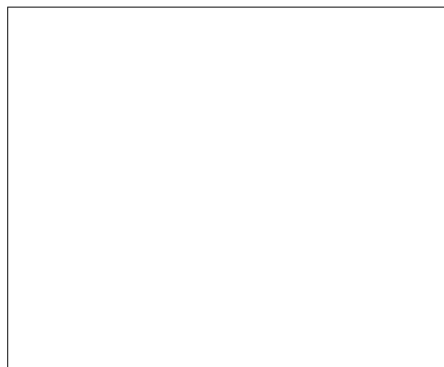
FOIA Request ID: 3005

FOIA Request submitted by:

Mr. Jason Leopold

Submitted on: April 28, 2014 : 12:10 - America/New_York

Investigative Journalist



(b)(6)

APR 29 2014

United States

Request:

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et seq. This request is being sent to you pursuant to 28 C.F.R. 16.5(d)(2) which provides, "Requests based on the category in paragraph (d)(1)(iv) of this section must be submitted to the Director of Public Affairs[.]" This request seeks expedited processing pursuant to 28 C.F.R. 16.5(d)(1)(iv) because it involves "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

I am seeking the CIA's copy of the 480-page executive summary of the Senate Select Committee on Intelligence's (SSCI) report on the agency's detention and interrogation program.

In a statement issued on April 3, 2014, Senator Dianne Feinstein, chairwoman of SSCI, said "The Senate Intelligence Committee this afternoon voted to declassify the 480-page executive summary as well as 20 findings and conclusions of the majority's five-year study of the CIA Detention and Interrogation Program, which involved more than 100 detainees."

"The report also points to major problems with CIA's management of this program and its interactions with the White House, other parts of the executive branch and Congress. This is also deeply troubling and shows why oversight of intelligence agencies in a democratic nation is so important.

"The release of this summary and conclusions in the near future shows that this nation admits its errors, as painful as they may be, and seeks to learn from them. It is now abundantly clear that, in an effort to prevent further terrorist attacks after 9/11 and bring those responsible to justice, the CIA made serious mistakes that haunt us to this day. We are acknowledging those mistakes, and we have a continuing responsibility to make sure nothing like this ever occurs again.

"The full 6,200-page full report has been updated and will be held for declassification at a later time."

To reiterate, I am only seeking the CIA's copy of the executive summary of the SSCI final report.

I am a widely published independent investigative reporter and a current contributor to Al Jazeera (<http://www.aljazeera.com/profile/jason-leopold-.html>). In addition, I am the Editor at Large for the online publication, The Public Record (www.pubrecord.org). I have also had my journalism published in dozens of domestic and international publications.

According to 5 U.S.C. 552(a)(4)(A)(ii), codifying the ruling of Nat'l Security Archive v. Dept of Defense, 880 F.2d 1381 (D.C. Cir. 1989), the term "a representative of the news media" means any person or

entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.

I have a clear intent to "publish[] or otherwise disseminate[] information to the public." *Id.* at 1386 (quoting the following legislative history: 1) It is critical that the phrase "representative of the news media" be broadly interpreted if the act is to work as expected. . . . In fact, any person or organization which regularly publishes or disseminates information to the public . . . should qualify for waivers as a "representative of the news media." 132 Cong. Rec. S14298 (daily ed. Sept. 30, 1986) (emphasis in original quotation); 2) "A request by a reporter or other person affiliated with a newspaper, magazine, television or radio station, or other entity that is in the business of publishing or otherwise disseminating information to the public qualifies under this provision." 132 Cong. Rec. H9463 (Oct. 8, 1986) (emphasis in original quotation)). Therefore, in accordance with the Freedom of Information Act and relevant case law, I, Jason Leopold, should be considered a representative of the news media and as such I am also requesting a public interest fee waiver.

Please ensure that, in accordance with the DC Circuit's ruling in *Chambers v.*

Dept of the Interior, 568 F.3d 998 (D.C. Cir. 2009), all records potentially responsive to this FOIA request are immediately preserved from destruction until the final resolution of this FOIA action. Destruction of potentially responsive records after the receipt of a FOIA request is considered "contumacious conduct" by the DC Circuit. See *id.* at 1004.

Your agency is required by law to respond to this request within 20 working days. Failure to timely comply may result in the filing of a civil action against your agency in a United States District Court.

Please provide any records produced in response to this request in electronic

(soft-copy) form. Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact me.

Fee Waiver:

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