

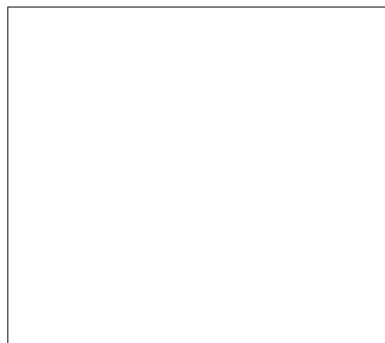
FOIA Request ID: 3055

FOIA Request submitted by:

Mr. Jason Leopold

Submitted on: June 25, 2014 : 19:46 - America/New_York

Investigative Journalist



(b)(6)

JUN 27 2014

United States

Request:

Dear FOIA Officer,

This is a request for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552, et seq.

I request disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the CIA mentioning or referring to "GUANTANAMO TRANSFER WORKING GROUP."

My request includes, but is not limited to, any and all records that were prepared, received, transmitted, collected and/or maintained by the CIA, from January 22, 2009 to the present, and also includes policy papers and guidance. Moreover, my request seeks any and all records mentioning or referring to the health, conditions of detainment, activities, release, transfer, repatriation, resettlement or relocation of any prisoner or detainee or other person subject to detainment in the U.S. military detention facility at Guantanamo from Guantanamo to any other location.

DESCRIPTIVE INFORMATION

The following information is provided in order to enable the CIA to locate the requested records. It is not intended to limit the scope of the request.

Any portion of this request for records that refers or relates to named individuals are for all records referring or relating to those individuals, regardless of whether the records relate to the events described below.

The request is intended to include records mentioning or referencing the mission, policies, operating procedures, practices, guidelines, operations, activities, travel, meetings, internal communications, communications with other components of the CIA, communications with other entities of the United States government, communications with state, county, or city government or other regional entities, communications with foreign government or entities or jurisdictions within foreign nation states, communications with non-governmental entities, communications with international organizations, staffing, budget, budget allocation within, funding, or 2013 closure and reopening, of, for, or relating to, the DOS Office of/for Guantanamo Closure and the DOS Special Envoy for Guantanamo Closure and the Pentagon Special Envoy for Guantanamo Closure.

If you deny all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information or permit the review and notify us of your appeal procedures available under the law. In excising material, please "black out" rather than "white out" or "cut out."

In addition, I draw your attention to President Obama's 21 January 2009 Memorandum for the Heads of Executive Departments and Agencies, directing federal agencies to adopt a presumption in favor of disclosure and stating that government information should not be kept confidential "merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears."

I am a widely published independent investigative reporter and a current contributor to Al Jazeera America (<http://america.aljazeera.com/profiles/I/jason-leopold.html>). I am also a contributor to The Guardian

(<http://www.theguardian.com/profile/jason-leopold>) VICE News

(<https://news.vice.com/contributor/jason-leopold>) and numerous other domestic and international publications, which have published dozens of news reports I have authored.

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:

I am a widely published independent investigative reporter and a current contributor to Al Jazeera America (<http://america.aljazeera.com/profiles/l/jason-leopold.html>). I am also a contributor to The Guardian

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