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FOIA Request ID: 1507

FOIA Request submitted by:

F-2018-01950

Emma Best

Submitted on: June 26, 2018 : 11:20 - America/New\_York

MuckRock News DEPT MR 56532

411A Highland Ave

Somerville, MA 02144

United States

Request:

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Emails, memos, letters, talking points, reports, briefings and other records relating to or mentioning meetings between then Director Pompeo and William "Bill" Binney, including but not limited to the meeting on October 27, 2017.

Please include records of communications on the matter with the White House, both prompting and setting up the meeting(s) as well as reporting back on the meeting after the fact.

I am a member of the news media and request classification as such. I have previously written about the government and its activities. I have a reasonable expectation of publication and my editorial and writing skills are well established. I discuss and comment on the files online and make them available through non-profits such as the Internet Archive and MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had "firm" plans to "publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media.

Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. *Id.* § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee category.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Emma Best

Fee Waiver:

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