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Description of document: National Endowment for the Arts (NEA) records provided to Chairman Darrell Issa, House Oversight and Government Reform Committee, concerning the administration of the Freedom of Information Act (FOIA), 2011

Requested: 10-December-2011

Released date: 16-December-2011

Posted date: 12-March-2012

Source of document: FOIA Requests
Office of General Counsel
National Endowment for the Arts
1100 Pennsylvania Avenue, NW, Room 608
Washington, DC 20506
Fax: 202/682-5572
Email: foia@arts.gov

Note: This is one of several files on the same subject for various agencies available on governmentattic.org. See: <http://www.governmentattic.org/5docs/chairmanIssa.htm>

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From: Monica Ashar
Date: Dec 16, 2011 1:47:04 PM
Subject: NEA FOIA Request F12-030

This email responds to your request for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. In your email, you requested the following:

1. “an electronic copy of the records provided to the Honorable Chairman Darrell Issa, whose office had in January 2011 asked your agency for various data concerning the administration of the Freedom of Information Act”
2. “a copy of any correspondence whatsoever sent to Chairman Issa’s office on the subject of the January 2011 inquiry”
3. “any correspondence sent during calendar year 2011 to Chairman Issa’s office on the subject of FOIA”

Attached are copies of the following documents:

* In response to part one of your request, attached are copies of the FOIA Logs and the FOIA Report, which consists of a cover letter and correspondence with six FOIA requesters. Personal contact information and the future plans of a FOIA requester have been redacted from the FOIA Report in accordance with exemption (b)(6) of the Freedom of Information Act (FOIA), which protects against “a clearly unwarranted invasion of personal privacy,” 5 U.S.C. 552(b)(6). The identities of FOIA requesters seeking information about themselves have been redacted from the FOIA Logs under the same exemption.

* In response to part two of your request, attached is the copy of the cover email that accompanied the FOIA report and logs that were sent to Chairman Issa’s office. No information has been withheld. Please note that the PDF attachments listed on the email have been combined into a single PDF, “FOIA Report.”

There are no additional documents responsive to part three of your request.

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act, 20 U.S.C. 951et seq., and the Freedom of Information Act with respect to the release of agency records. In accordance with the NEA's FOIA regulations, 45 C.F.R. 1100.5(b)(1), you may appeal the Agency’s determination. Such an appeal must be made to the Chairman within ten working days following the receipt of this email.

Please contact me if you have any questions about this response.

Sincerely,
Monica Ashar

MONICA ASHAR
FOIA Officer
National Endowment for the Arts
1100 Pennsylvania Avenue, NW, Suite 608
Washington, DC 20506
Ph: (202) 682-5007 | Fax: (202) 682-5572

Mike Griffin

From: Mike Griffin
Sent: Tuesday, February 15, 2011 11:45 AM
To: tegan.millspaw@mail.house.gov
Subject: NEA Response to Chairman Issa's FOIA Request from 1-12-11
Attachments: NEA FOIA Cover Letter to Chairman Issa 2-15-11.pdf; NEA FOIA Log 2-15-11.xlsx; NEA FOIA Reuquest F09-071.pdf; NEA FOIA Reuquest F09-074.pdf; NEA FOIA Reuquest F10-002.pdf; NEA FOIA Reuquest F10-020.pdf; NEA FOIA Reuquest F11-005.pdf; NEA FOIA Reuquest F11-025.pdf

Hi Tegan,

These are the documents requested in Chairman Issa's inquiry letter dated January 25, 2011. I have attached the documents that respond to his inquiry:

- Cover letter from the NEA's Chief FOIA officer in PDF format
- The agency's FOIA logs for the past five years in Excel
- Correspondence between the NEA and the FOIA requester for each request that is more than 45 days old and has not received a final response
 - F09-071
 - F09-074
 - F10-002
 - F10-020
 - F11-005
 - F11-025

Please let me know if you have any questions.

Thanks,

Mike

Mike Griffin
Congressional Liaison
Office of the Chief of Staff
National Endowment for the Arts
(202) 682-5773
griffinm@arts.gov

| A: Requestor Name | B: Date Received | C: Description of Records Sought | D: Tracking Number | E: Date Closed | F: Amount Granted |
|------------------------|------------------|---|--------------------|-------------------|-------------------------------------|
| Nate Jones | 10/1 /2010 | All documents related to "the several specific steps" noted in a White House FOIA memo dated March 16, 2010. | F11-001 | 10/1 /2010 | Full Denial - Other Than Exemptions |
| Claire Crawford | 10/5 /2010 | Copy of the FY 2010 grant application for From the Top (Boston, MA), which was awarded a \$60,000 grant | F11-002 | 10/6 /2010 | Partial Grant |
| Allen Wildmon | 10/14/2010 | Copy of the amount of grants made to Colorado Creative Industries. Grants made to Enrique Chayoga. Grants awarded for the hosting of "The Misadventures of the Romantic Cannibals." All for FY 2008-2010. | F11-003 | 10/20/2010 | Partial Grant |
| Kristel Lynch | 10/14/2010 | Dance: FY 2010 Grants for Contemporary Dance Arts, Inc., Dance New Amsterdam, Inc., Kansas City Friends of Alvin Ailey, Inc., and Wesleyan University | F11-004 | 10/18/2010 | Partial Grant |
| Russell Carollo | 10/14/2010 | Access to and copies of all databases containing info. on travel by NEA employees and/or financed by the NEA. | F11-005 | Pending > 45 days | Pending |
| Russell Carollo | 10/14/2010 | Contracts, agreements, policies, and guidelines related to collecting/maintaining travel records by outside entities | F11-006 | 11/30/2010 | Partial Grant |
| Mary A. Epstein | 10/21/2010 | Documents contain information on Isaac Stern's involvement with the Kodály Fellowship Programs 1965 - 1972. | F11-007 | 11/12/2010 | Full Grant |
| Shannon Bridget Murphy | 10/22/2010 | Any info about William S Hart, the silent film star, who was born on December 6, 1864. | F11-008 | 11/1 /2010 | Full Denial - Other Than Exemptions |
| Beryl Hudson | 10/25/2010 | Three winners of 2010 NEA grants in the 'Learning in the Arts for Children and Youth' category: 826 Valencia, Writers in the Schools, and Young Chicago Authors | F11-009 | 10/26/2010 | Partial Grant |
| Cynthia Carr | 10/25/2010 | Documents from the following two exhibitions: "Witnesses Against Our Vanishing" and "David Wojnarowicz: Tongues of Flame" | F11-010 | 11/2 /2010 | Partial Grant |
| Erika Herran | 10/26/2010 | Successful grant applications for A Public Space Literary Projects, One Story, and ZYZZYVA (FY 2010; AAE March deadline) | F11-011 | 10/27/2010 | Partial Grant |
| David Barr | 10/27/2010 | Communications between NEA and Newt Gingrich and Haley Barbour; NEA FOIA requests mentioning Mitchell Daniels, Bobby Jindal, Sarah Palin, Tim Pawlenty, John Thune, Mike Huckabee or Mitt Romney | F11-012 | 11/9 /2010 | Partial Grant |

| A: Requestor Name | B: Date Received | C: Description of Records Sought | D: Tracking Number | E: Date Closed | F: Amount Granted |
|--------------------|------------------|--|--------------------|-------------------|-------------------|
| Stephen Calvert | 11/1 /2010 | Appalachian Heritage Alliance's application for the FY09 ARRA grant, requirements to fulfill obligations under the grant, and final report | F11-013 | 11/2 /2010 | Partial Grant |
| Sonja Wallen | 11/8 /2010 | FY 2010 grants to New Orleans Museum of Art, Crocker Art Museum Association, and Orange County Museum of Art. | F11-014 | 11/9 /2010 | Partial Grant |
| Hedwig Gorski | 11/12/2010 | Various documents pertaining to the Literature Fellowship application process | F11-015 | 12/1 /2010 | Partial Grant |
| Paula Terry | 11/16/2010 | Transcript of Chairman Landesman's opening remarks at the Oct. 29, 2010 Council meeting that includes the resolution acknowledging her work | F11-016 | 11/29/2010 | Full Grant |
| Laura A. Heiselman | 11/17/2010 | FY 2010 AAE applications for Alliance for Audience, LA Stage Alliance, and Theatre Bay Area | F11-017 | 11/17/2010 | Partial Grant |
| Larry Bush | 11/19/2010 | Agency directive on Obama's FOIA memo; agency guidance on fees; agency contracts for FOIA implementation; agency billings in FY 2008-2010 for that contract work | F11-018 | 11/22/2010 | Partial Grant |
| Robin Kempf | 11/23/2010 | Total dollars of the OIG's budget for the federal fiscal years of 2005-2010. | F11-019 | 11/24/2010 | Full Grant |
| Ian David Moss | 11/24/2010 | Data on grants awarded in 2009, 2010, and grants awarded prior to 2009 that were still active as of July 31, 2010. | F11-020 | 11/30/2010 | Full Grant |
| Mengsi Chen | 11/29/2010 | Access to Artistic Excellence Grant spreadsheets from 2005 through 2010 that were given to organizations in New York City | F11-021 | 12/1 /2010 | Full Grant |
| Alex Yager | 11/30/2010 | Number of employees that the NEA has on payroll, and the number of grants the NEA has given out to artists | F11-022 | 12/2 /2010 | Full Grant |
| Hillary Osborne | 12/3 /2010 | Grant application - MICD 25 grant awarded to the Arts Council of Winston-Salem and Forsyth County (Winston-Salem, NC) for \$200,000 | F11-023 | 12/6 /2010 | Partial Grant |
| Mengsi Chen | 12/6 /2010 | Grants awarded from 2002 to 2010, applicants to the Grant Programs from 2002 to 2010, data used in the creation of certain research reports | F11-024 | 12/23/2010 | Partial Grant |
| Jennifer Malley | 12/8 /2010 | Various grant applications | F11-025 | Pending > 45 days | Pending |
| Brian Sherwin | 12/15/2010 | List of visual artists who received individual NEA grants through FY 1995. Look at annual reports to see if the info is there. | F11-026 | 12/17/2010 | Partial Grant |

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|--------------------|------------------|---|--------------------|----------------|-------------------|
| Claire Crawford | 12/23/2010 | 2004 grant application for From the Top for \$65,000 (Arts on Radio and TV), or their first grant application, if available | F11-027 | 1 /6 /2011 | Partial Grant |
| Linda Sanders | 1 /3 /2011 | Successfully funded grant application | F11-028 | 1 /27/2011 | Partial Grant |
| Roland Kushner | 1 /5 /2011 | Name and location information for the list of entities that received a request for participation in the Festivals study | F11-029 | 1 /28/2011 | Full Grant |
| Karen Nickell | 1 /5 /2011 | List of the Opera-Musical Theatre Panel of the National Endowment for the Arts. "The most recent panel, FY 2010." | F11-030 | 1 /6 /2011 | Partial Grant |
| Marcia Cirillo | 1 /10/2011 | Documents pertaining to grants awarded to Ray Johnson (Raymond E. Johnson or R.E. Johnson) of Locust Valley, NY. | F11-031 | 1 /10/2011 | Partial Grant |
| Sarah Wells | 1 /11/2011 | Applications for FY 2010 grants to Rose Metal Press and Kenyon Review | F11-032 | 1 /12/2011 | Partial Grant |
| Bernie Horowitz | 1 /11/2011 | All documents related to Vladimir Horowitz (1903-1989) | F11-033 | Pending | Pending |
| Heidi Marie Rock | 1 /14/2011 | Various proposals from grants that were awarded in FY 2010 | F11-034 | 2 /2 /2011 | Partial Grant |
| Abigail Beckel | 1 /18/2011 | Applications for AAE FY 2010 grants: Four Way Books, Inc.; Red Hen Press, Inc.; Tupelo Press, Inc. | F11-035 | 1 /19/2010 | Pending |
| Anne Tromsness | 1 /18/2011 | Various research statistics on outreach, community engagement, and arts education. | F11-036 | 1 /25/2011 | Partial Grant |
| Iman Novin | 1 /18/2011 | Documents pertaining to sculpture located at the MacArthur BART Station in Oakland, CA, which was designed by artist Harold Paris | F11-037 | 1 /24/2011 | Full Grant |
| Laura A. Timothy | 1 /19/2011 | Documents concerning a piece by Harold Paris (1925-1979), which was created for and installed at a transit stations in Oakland, CA. Also policies for art funded by the NEA with regard to relocating or removing an art piece. | F11-038 | 1 /24/2011 | Partial Grant |
| Teresa Carson | 1 /21/2011 | Applications from the following FY11 Literature grants: Four Way Books, Tupelo Press, Red Hen Press, Sarabande Books | F11-039 | Pending | Pending |
| Kristen Purcell | 1 /24/2011 | Data on grants during fiscal years 2008, 2009 and 2010 | F11-040 | 2 /8 /2011 | Full Grant |
| Teresa Carson | 1 /24/2011 | FY 2010 NEA Literature applications for Four Way Books, Tupelo Press, and Sarabande Books | F11-041 | 1 /25/2011 | Partial Grant |
| Elizabeth Williams | 1 /25/2011 | Various MICD 25 grants: City of Oakland, City of Phoenix, City of Rochester, and Lafayette College; AAE grants for Chestnet Hill Frieds Meetinghouse Project and Tufts University | F11-042 | Pending | Partial Grant |
| Narric Rome | 1 /26/2011 | 2010 NEA grants list by state and congressional district | F11-043 | 2 /1 /2011 | Full Grant |

| A: Requestor Name | B: Date Received | C: Description of Records Sought | D: Tracking Number | E: Date Closed | F: Amount Granted |
|----------------------|------------------|---|--------------------|----------------|--------------------------|
| Jeff Parker | 1 /26/2011 | AAE Literature Grants from FY 2010: Coffee House Press - \$72,000; Copper Canyon Press - \$84,000; Graywolf Press - \$96,000 | F11-044 | 1 /28/2011 | Partial Grant |
| David B. Pankratz | 1 /28/2011 | District-by-district count of NEA grant funds received by Illinois organizations during 2010, 2009, 2008. Include total grants dollars for each year by district and numbers of grants received each year by district. | F11-045 | 2 /1 /2011 | Full Grant |
| Matt Bell | 1 /31/2011 | Several successful grant applications from the past cycle in the fiction category | F11-046 | 2 /1 /2011 | Full Denial - Exemptions |
| Mikaela A. McDermott | 2 /3 /2011 | Statements of interests and/or full grant applications submitted to the NEA for funded under MICD 25: Action Greensboro, Arts Council of Winston-Salem & Forsyth Co, City of Madison, City of Rochester, New Jersey Community Development Co. | F11-047 | 2 /4 /2011 | Partial Grant |
| Bharti D. Chokshi | 2 /4 /2011 | Copy of FY 2011 Challenge America Received by ACA of Central Florida | F11-048 | 2 /4 /2011 | Partial Grant |
| Shiree Hicks | 2 /4 /2011 | A copy of any successful grant(s) in Media Arts & Television, Production & Broadcasting to be used as a sample | F11-049 | Pending | Pending |
| Kathleen McLaughlin | 2 /4 /2011 | Various documents pertaining to the Indianapolis Museum of Art's receipt of an indemnity from the Arts and Artifacts Indemnity Program | F11-050 | Pending | Pending |
| Kristen Purcell | 2 /8 /2011 | Data on grants during fiscal years 2008, 2009 and 2010 | F11-051 | Pending | Pending |
| Elyse Gonzales | 2 /11/2011 | Copy of the application submitted by the Nevada Museum of Art for Landscape Futures: Instruments, Devices, and Architectural Inventions (FY 2011) | F11-052 | Pending | Pending |
| Leah Levy | 2 /14/2011 | Documents pertaining to grants awarded to Jay DeFeo | F11-053 | Pending | Pending |



February 15, 2011

Congressman Darrell Issa, Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Issa:

On January 25, you requested that the National Endowment for the Arts provide information, records, and explanations related to its Freedom of Information Act (FOIA) operations. This letter provides an overview of the attached documents. The numbering below corresponds with the numbering in your original request.

1. The attached spreadsheet ("NEA FOIA Log.xlsx") contains information on the FOIA requests received by the agency during the previous five years. Included are fiscal years 2006 through 2011.

For column F, please note that the NEA uses the terminology required for the Annual FOIA report. "Full Grant" means that all of the requested records were released. "Partial Grant" means that some of the requested records were not released. "Full Denial – Exemptions" means that all of the requested records were withheld pursuant to one of the statutory exemptions. "Full Denial – Other than Exemptions" means that the requestor did not receive the requested records for some other reason. The most common reason for this denial was that the records sought did not exist.

In response to part G, the NEA does not use an additional identification number beyond the tracking number provided in column D.

Please note that the agency's current FOIA Officer assumed her position during FY 2009. It had since been discovered that the FOIA records and files prior to her arrival are incomplete. In response to this request, the agency has reviewed its FOIA logs, compared them against existing files, and updated and corrected as much missing or inaccurate information as possible. However, many of the older files have been destroyed in accordance with General Records Schedule 14. Where information could not be located, the cell has been marked "Unknown."

National Endowment for the Arts
The Nancy Hanks Center
1100 Pennsylvania Avenue NW
Washington DC 20506-0001

2. There are currently six FOIA requests that were submitted more than 45 days ago that have not received final responses. In each of these cases, the NEA has provided the requestor with a partial response and released some of the requested records. The status of each of these requests is provided below:

| Tracking number | Status |
|-----------------|---|
| F11-025 | Received partial response; certain records are not yet available for release and will be sent as soon as they become available. |
| F11-005 | Received partial response; request later reopened; working with the FAA to provide requested records. |
| F10-020 | Received partial response; certain records were in consultation with other federal entities and were recently returned to the NEA. A final response will be issued shortly. |
| F10-002 | |
| F09-074 | |
| F09-071 | |

As requested, these have also been identified on the spreadsheet (“Pending > 45 days”).

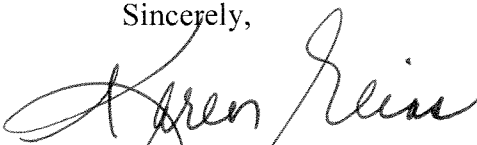
3. Attached are the communications between the NEA and each of the FOIA requestors whose requests have been pending for at least 45 days. A separate PDF file has been provided for each of the six requests. The name of each file corresponds to the tracking number.

4. Not applicable.

5. Not applicable.

The NEA is committed to making its work more transparent and recognizes the importance of FOIA in ensuring government accountability. Please do not hesitate to contact me if you have any questions.

Sincerely,



Karen Elias
General Counsel
Chief FOIA Officer

Judicial Watch, Inc.

501 School Street, S.W.
Suite 700
Washington, D.C. 20024

Telephone 202-646-5172
Facsimile 202-646-5199

FACSIMILE TRANSMISSION

TO: National Endowment for the Arts, Office of General Counsel—FOIA Requests

FROM: Michael Bekesha

DATE: September 24, 2009

TELECOPY NUMBER: 202-682-5572

NUMBER OF PAGES (Including Cover Page): 6



Judicial Watch

September 24, 2009

VIA CERTIFIED MAIL & FACSIMILE (202-682-5572)

FOIA Requests
Office of General Counsel
National Endowment for the Arts
1100 Pennsylvania Avenue, NW, Room 518
Washington, DC 20506

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

On August 10, 2009, the White House and the National Endowment for the Arts held a conference call to discuss the President's *United We Serve* summer initiative. An E-mail inviting individuals to join the conference call was sent out by Yosi Sergeant, the Director of Communications for the National Endowment for the Arts. *See* attached E-mail.

Pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the National Endowment for the Arts ("NEA") produce any and all agency records concerning the following subjects within twenty (20) business days:

1. Any and all records, including agendas, briefing papers, memoranda, minutes, notes, E-mails, presentations, and/or summaries relating to the above-referenced *United We Serve* conference call on August 10, 2009.
2. Any and all records, including agendas, briefing papers, memoranda, minutes, notes, E-mails, presentations, and/or summaries related to NEA's involvement in the *United We Serve* summer initiative.

National Endowment for the Arts**September 24, 2009****Page 2 of 4**

3. Any and all records, including agendas, briefing papers, memoranda, minutes, notes, presentations, and/or summaries related to the September 22, 2009 meeting between the White House and the Chief of Staff of NEA as reported by the *New York Times* on September 23, 2009. See attached article.

4. Any and all records, including communications with third parties, memoranda and/or notes related to the participation of NEA in the *United We Serve* conference call on August 10, 2009.

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA... The presumption of disclosure should be applied to all decisions involving FOIA.¹

President Obama adds that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails." Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

For purpose of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, telegrams, teletypes, facsimiles, papers, forms, records, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created upon and transmitted or received by any computer or other electronic device, and all materials stored on compact disk, computer disk, diskette, hard drive, server, or tape; (3) any audio, aural, visual, or video records, recordings, or representations of any kind, including without limitation all

¹ President Barack Obama, "Memorandum for the Heads of Executive Departments and Agencies, Subject: Freedom of Information Act," January 21, 2009; <http://www.whitehouse.gov/the_press_office/FreedomofInformationAct>

National Endowment for the Arts**September 24, 2009****Page 3 of 4**

cassette tapes, compact disks, digital video disks, microfiche, microfilm, motion pictures, pictures, photographs, or videotapes; (4) any graphic materials and data compilations from which information can be obtained; (5) any materials using other means of preserving thought or expression; and (6) any tangible things from which data or information can be obtained, processed, recorded, or transcribed. The term "record" also shall mean any drafts, alterations, amendments, changes, or modifications of or to any of the foregoing.

Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). In fact, Judicial Watch has been recognized as a member of the news media in other FOIA litigation. See *Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000); and, *Judicial Watch, Inc. v. Dep't of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006). Judicial Watch, Inc. regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves, as a special written report. Judicial Watch will also educate the public via radio programs, Judicial Watch's website, and/or newsletter, among other

National Endowment for the Arts**September 24, 2009****Page 4 of 4**

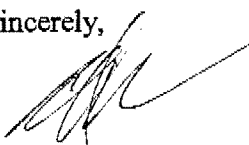
outlets. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through FOIA to the public, as demonstrated by its long-standing and continuing public outreach efforts, including radio and television programs, website, newsletter, periodic published reports, public appearances, and other educational undertakings.

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5172 or mbekesha@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,



Michael Bekesha
Judicial Watch

Reminder TODAY - United We Serve Conference Call - 2:00 pm EST / 11:00 am PST

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From: Yosi Sergeant <yosi@arts.gov>
 Date: Monday, August 10, 2009 8:38 AM
 To: Yosi Sergeant <yosi@arts.gov>
 Subject: Reminder TODAY - United We Serve Conference Call - 2:00 pm EST / 11:00 am PST

Reminder

Today— Monday August 10th, 2009 at 2:00 pm EST / 11:00 am PST — join the White House and National Endowment for the Arts for a conference call with to discuss the President's United We Serve initiative.

Yosi Sergeant
Director
Office of Communications
National Endowment for the Arts
 1100 Pennsylvania Avenue NW, Room 614
 Washington DC 20506
 202-682-5570 office
 [redacted] cell
yosi@arts.gov <mailto:smsmnty@arts.gov>

A call has come in to our generation. A call from the top. A call from a house that is White. A call that we must answer. And to answer it, we need you.

Please join Paula Mendoza, Mike de la Rocha, Raymond Leon Roker, Aaron Rose, Michael Skolnik, Tayyib Smith, Rob Stone and Nicola Vasselli as we heed the President's call to action this summer — United We Serve.

United We Serve is President Obama's call to service challenging all Americans to engage in sustained, meaningful community service. With the knowledge that ordinary people can achieve extraordinary things when given the proper tools, President Obama is asking us to come together <<http://www.serve.gov/remarks.asp>> to help lay a new foundation for growth, focusing on core areas of the recovery agenda — health care, energy and environment, safety and security, education, community renewal.

Now is the time for us to answer this call. It is time for us as a group of artists, producers, promoters, organizers, influencers, marketers, tastemakers, leaders or just plain, cool people to join together and work together to promote a more civically engaged America and celebrate how the arts can be used for a positive change! No one knows our communities better than we do. No one can inspire as much as we can. We have a unique role to play in making service accessible and fun for those who are not accustomed to volunteering. We know that engaging all Americans in service means we must expand the idea of service. Already, you are helping us to re-frame the image of volunteerism.

The United We Serve team, in collaboration with the White House Office of Public Engagement and The National Endowment for the Arts is hosting a conference call outlining steps our community can take to spread the message of service and highlight the service work artists already perform in communities nationwide.

Please join us!

Date: Monday, August 10, 2009
Time: 2PM EST / 11AM PST

Schedule "Send & Receive All" will run in 4 minutes.

Monica Ashar

From: Monica Ashar
Sent: Friday, October 23, 2009 3:42 PM
To: 'mbekesha@judicialwatch.org'
Subject: FOIA Request (Batch 1 of 3)
Attachments: 8-6-09 18-28.pdf; 7-29-09 17-41.pdf; 7-29-09 18-04.pdf; 7-30-09 20-26.pdf; 8-3-09 20-23.pdf; 8-4-09 20-28.pdf; 8-4-09 21-33.pdf; 8-5-09 10-33.pdf; 8-5-09 12-40.pdf; 8-5-09 18-13.pdf; 8-5-09 18-14.pdf; 8-5-09 18-16.pdf; 8-6-09 10-33.pdf; 8-6-09 15-10(1).pdf; 8-6-09 15-10(2).pdf; 8-6-09 17-14.pdf; 8-6-09 18-24(1).pdf; 8-6-09 18-24(2).pdf

Re: F09-071

Dear Mr. Bekesha,

We are currently processing your request under the Freedom of Information Act, and we would like to provide you with an update on its status.

Under usual circumstances, an agency has 20 working days in which to provide documents responsive to a request. Because the documents that you requested contain information that originated with other federal components, we are consulting with those components before we complete our final processing. The attached documents have already been reviewed through the consultation process. There are still others, however, that have not completed the consultation phase. Although we do not anticipate that this consultation period will be long, we are required to notify you when we are unable to provide all of the documents within the initial 20-day time period.

Available documents are being sent to you in three batches. Salary information and other personal data that can be attributed to specific individuals have been redacted in accordance with exemption (b)(6) of the Freedom of Information Act (FOIA), which protects "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," 5 U.S.C. 552(b)(6). Phone numbers and email addresses of White House personnel have been redacted in accordance with exemption (b)(2), which protects information "related solely to the internal personnel rules and practices of an agency." Unless otherwise indicated on the documents, the material has been redacted under (b)(6).

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act (NFAHA), 20 U.S.C. 951 et seq., and the Freedom of Information Act (FOIA), 5 U.S.C. 552, et seq. with respect to the release of agency records.

In accordance with the Arts Endowment's FOIA regulations, 45 C.F.R. 1100.5(b)(1), you may appeal the Agency's determination pursuant to the FOIA. Such an appeal must be made to the Chairman within ten working days following the receipt of this letter.

Please feel free to contact me if you have any questions.

Sincerely,
Monica Ashar

~~~~~

Monica Ashar  
FOIA/PA Officer, Staff Assistant  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608

## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Friday, October 23, 2009 3:43 PM  
**To:** 'mbekesha@judicialwatch.org'  
**Subject:** FOIA Request (Batch 2 of 3)  
**Attachments:** 8-10-09 13-30.pdf; 8-6-09 18-53.pdf; 8-6-09 19-04.pdf; 8-6-09 21-08.pdf; 8-6-09 21-36.pdf; 8-6-09 22-17.pdf; 8-7-09 10-59.pdf; 8-7-09 11-35.pdf; 8-7-09 14-07.pdf; 8-7-09 14-11(1).pdf; 8-7-09 14-11(2).pdf; 8-7-09 15-10.pdf; 8-7-09 19-22.pdf; 8-9-09 17-58.pdf; 8-10-09 10-22.pdf; 8-10-09 11-04.pdf; 8-10-09 13-00.pdf; 8-10-09 13-06.pdf

Re: F09-071

Dear Mr. Bekesha,

We are currently processing your request under the Freedom of Information Act, and we would like to provide you with an update on its status.

Under usual circumstances, an agency has 20 working days in which to provide documents responsive to a request. Because the documents that you requested contain information that originated with other federal components, we are consulting with those components before we complete our final processing. The attached documents have already been reviewed through the consultation process. There are still others, however, that have not completed the consultation phase. Although we do not anticipate that this consultation period will be long, we are required to notify you when we are unable to provide all of the documents within the initial 20-day time period.

Available documents are being sent to you in three batches. Salary information and other personal data that can be attributed to specific individuals have been redacted in accordance with exemption (b)(6) of the Freedom of Information Act (FOIA), which protects "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," 5 U.S.C. 552(b)(6). Phone numbers and email addresses of White House personnel have been redacted in accordance with exemption (b)(2), which protects information "related solely to the internal personnel rules and practices of an agency." Unless otherwise indicated on the documents, the material has been redacted under (b)(6).

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act (NFAHA), 20 U.S.C. 951 et seq., and the Freedom of Information Act (FOIA), 5 U.S.C. 552, et seq. with respect to the release of agency records.

In accordance with the Arts Endowment's FOIA regulations, 45 C.F.R. 1100.5(b)(1), you may appeal the Agency's determination pursuant to the FOIA. Such an appeal must be made to the Chairman within ten working days following the receipt of this letter.

Please feel free to contact me if you have any questions.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA/PA Officer, Staff Assistant  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608

**From:** Monica Ashar  
**Sent:** Friday, October 23, 2009 3:44 PM  
**To:** 'mbekesha@judicialwatch.org'  
**Subject:** FOIA Request (Batch 3 of 3)  
**Attachments:** 8-12-09 15-33.pdf; 8-10-09 13-37.pdf; 8-10-09 13-40.pdf; 8-10-09 13-59.pdf; 8-10-09 14-02.pdf; 8-10-09 14-04.pdf; 8-10-09 14-22.pdf; 8-10-09 14-26(1).pdf; 8-10-09 14-26(2).pdf; 8-10-09 15-13(2).pdf; 8-10-09 17-52.pdf; 8-10-09 23-15.pdf

Dear Mr. Bekesha,

Under usual circumstances, an agency has 20 working days in which to provide documents responsive to a request. Because the documents that you requested contain information that originated with other federal components, we are consulting with those components before we complete our final processing. The attached documents have already been reviewed through the consultation process. There are still others, however, that have not completed the consultation phase. Although we do not anticipate that this consultation period will be long, we are required to notify you when we are unable to provide all of the documents within the initial 20-day time period.

Available documents are being sent to you in three batches. Salary information and other personal data that can be attributed to specific individuals have been redacted in accordance with exemption (b)(6) of the Freedom of Information Act (FOIA), which protects “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,” 5 U.S.C. 552(b)(6). Phone numbers and email addresses of White House personnel have been redacted in accordance with exemption (b)(2), which protects information “related solely to the internal personnel rules and practices of an agency.” Unless otherwise indicated on the documents, the material has been redacted under (b)(6).

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act (NFAHA), 20 U.S.C. 951 et seq., and the Freedom of Information Act (FOIA), 5 U.S.C. 552, et seq. with respect to the release of agency records.

In accordance with the Arts Endowment's FOIA regulations, 45 C.F.R. 1100.5(b)(1), you may appeal the Agency's determination pursuant to the FOIA. Such an appeal must be made to the Chairman within ten working days following the receipt of this letter.

Please feel free to contact me if you have any questions.

Sincerely,  
Monica Ashar

Monica Ashar  
FOIA/PA Officer, Staff Assistant  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506

# **Judicial Watch, Inc.**

501 School Street, S.W.  
Suite 700  
Washington, D.C. 20024

Telephone 202-646-5172  
Facsimile 202-646-5199

## **FACSIMILE TRANSMISSION**

TO: Rocco Landesman, Chairman, National Endowment for the Arts

FROM: Michael Bekesha

DATE: November 3, 2009

TELECOPY NUMBER: (202) 682-5639

NUMBER OF PAGES (including cover page): 3



# Judicial Watch™

*Because no one  
is above the law!*

November 3, 2009

**VIA CERTIFIED MAIL & FACSIMILE (202-682-5639)**

Rocco Landesman, Chairman  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Room 518  
Washington, DC 20506

**Re: Freedom of Information Act Appeal - Request F09-071**

Dear Chairman Landesman:

On September 24, 2009, Judicial Watch Inc. filed a Freedom of Information Act (hereafter "FOIA") request with the National Endowment for the Arts ("NEA") requesting the following:

1. Any and all records, including agendas, briefing papers, memoranda, minutes, notes, E-mails, presentations, and/or summaries relating to the above-referenced *United We Serve* conference call on August 10, 2009.
2. Any and all records, including agendas, briefing papers, memoranda, minutes, notes, E-mails, presentations, and/or summaries related to NEA's involvement in the *United We Serve* summer initiative.
3. Any and all records, including agendas, briefing papers, memoranda, minutes, notes, presentations, and/or summaries related to the September 22, 2009 meeting between the White House and the Chief of Staff of NEA as reported by the *New York Times* on September 23, 2009. See attached article.
4. Any and all records, including communications with third parties, memoranda, and/or notes related to the participation of NEA in the *United We Serve* conference call on August 10, 2009.

In an E-mail response, dated October 23, 2009, Monica Asher, FOIA/PA Officer for the NEA, stated that she was sending three batches of documents that had already been reviewed through the consultation process. Moreover, she noted that she expected



**National Endowment for the Arts****November 3, 2009****Page 2 of 2**

to send additional documents in the future once they had gone through the consultation phase. With regard to the documents sent, NEA redacted numerous portions based on two different FOIA exemptions. This letter respectfully appeals the redactions based on the 5 U.S.C. 552(b)(6) exemption. In appealing the redactions, Judicial Watch reserves all rights to an appeal of any determination made with respect to any documents sent by the NEA after October 23, 2009.

Exemption (b)(6) was created to protect private, individual-specific information from the public. The prototypical information is personnel or medical records. In this instance, the NEA redacted names of individuals who were invited to and partook in a conference call initiated by the NEA, a government agency. Judicial Watch believes that such names should not be withheld from the public. For the public to understand what its government is doing and how the NEA performs its statutory duties, it is essential for the public to know with whom the government is consulting. Moreover, although the redacted names may include names of individuals, these individuals were representing either companies or themselves in a professional capacity. The E-mail invitation list was sent to those who had received federal grants for their artistic contributions to society. The NEA, therefore, did not redact the names of private citizens; they redacted the names of entities who received federal grants in their professional capacities as artists.

Judicial Watch believes these names should be made available to the public. Although there may be an interest in protecting the privacy of the redacted names, the public's interest in the release of the names outweighs these minimum privacy concerns. We are not asking for "salary information and other personal data that can be attributed to specific individuals" as Ms. Ashar's E-mail suggests. Instead, we are asking for names of those entities who partook in a conference call with the NEA.

Based on the above, Judicial Watch respectfully appeals and requests that the NEA provide the records without the redactions as discussed above.

If you do not understand this appeal, or if you feel you require clarification, please contact us immediately at 202-646-5172 or at [mbekesha@judicialwatch](mailto:mbekesha@judicialwatch). Thank you for your cooperation.

Sincerely,



Michael Bekesha  
Judicial Watch, Inc.

## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Thursday, December 03, 2009 2:52 PM  
**To:** 'mbekesha@judicialwatch.org'  
**Subject:** Appeal response: FOIA Request F09-071  
**Attachments:** F09-071 Bekesha Appeal.pdf

Re: F09-071

Dear Mr. Bekesha,

Please see the attached letter for the Agency's response to your appeal under the Freedom of Information Act.

Sincerely,  
Monica Ashar

~~~~~  
Monica Ashar
FOIA Officer
National Endowment for the Arts
1100 Pennsylvania Avenue, NW, Suite 608
Washington, DC 20506
Ph: (202) 682-5007 | Fax: (202) 682-5572



NATIONAL
ENDOWMENT
FOR THE ARTS

A great nation
deserves great art.

The Nancy Hanks Center
1100 Pennsylvania Avenue NW
Washington, DC 20506-0001
202/682-5400
www.arts.gov

December 3, 2009

Michael Bekesha
Judicial Watch
501 School St, SW, Suite 700
Washington, D.C. 20024

Re: F09-071

Dear Mr. Bekesha:

This letter responds to your administrative appeal on the agency's interim response to your request under the Freedom of Information Act. In your letter, you "appeal[] the redactions based on the 5 U.S.C. 552(b)(6) exemption," noting that "Judicial Watch believes [the redacted names of private individuals] should be made available to the public."

The National Endowment for the Arts has denied your appeal. The decision to withhold information under exemption (b)(6) is made by balancing the privacy interest of the individual against the public interest of disclosure.

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act (NFAHA), 20 U.S.C. 951 *et seq.*, and the Freedom of Information Act, 5 U.S.C. 552, *et seq.* with respect to the release of agency records.

In accordance with the Freedom of Information Act, you may seek judicial review of the Agency's decision to deny your appeal.

Sincerely,

Rocco Landesman
Chairman

18 May 2010

Please note that effective June 1, 2010 Judicial Watch's new address will be:

425 Third Street, SW Suite 800
Washington, DC 20024

Our phone numbers, fax numbers, and email addresses will remain the same:

Phone (main) 202- 646-5172

Fax 202-646-5199

firstinitiallastname@judicialwatch.org (ex. jsmall@judicialwatch.org)

Future correspondence should be directed to either the signatory of the request or either of the following two supervisors:

Tegan Millspaw, Program Manager

Chris Farrell, Director of Investigations and Research

Pending Judicial Watch Freedom of Information Act request case numbers belonging to National Endowment for the Arts include:

F09-074

09-071

Monica Ashar

From: Jenny Small [jsmall@judicialwatch.org]
Sent: Monday, September 28, 2009 4:02 PM
To: arts_foia
Subject: Judicial Watch's FOIA Request
Attachments: JW_NEA_FOIA_9_28_2009.pdf

Please see attached.

Thank you,

Jenny Small
Investigations Researcher
Judicial Watch, Inc.
202-646-5181
jsmall@judicialwatch.org

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify Judicial Watch, Inc. immediately at either 202-646-5172 or at info@judicialwatch.org, and destroy all copies of the message and any attachments.



Judicial Watch™

Because no one is above the law.

28 September 2009

VIA CERTIFIED MAIL & DELIVERY RECEIPT EMAIL

FOIA Requests
Office of General Counsel
National Endowment for the Arts
1100 Pennsylvania Avenue, NW, Room 518
Washington, DC 20506
202/682-5418
202/682-5572(fax)
arts_foia@nea.gov

Re: Freedom of Information Act Request

Dear Sir/Madam:

Pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the National Endowment for the Arts produce the following records within twenty (20) business days:

1. Any and all correspondence between the White House and NEA communications director Yossi Sergant
2. Guidelines regarding the National Service Initiative
3. Guidelines regarding engaging in political activities
4. Guidelines and memos regarding the United We Serve campaign

Time Frame: January 2009 - Present

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA...The presumption of disclosure should be applied to all decisions involving FOIA.¹

¹ President Barack Obama, "Memorandum for the Heads of Executive Departments and Agencies, Subject: Freedom

President Obama adds that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails." Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

For purpose of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, telegrams, teletypes, facsimiles, papers, forms, records, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created upon and transmitted or received by any computer or other electronic device, and all materials stored on compact disk, computer disk, diskette, hard drive, server, or tape; (3) any audio, aural, visual, or video records, recordings, or representations of any kind, including without limitation all cassette tapes, compact disks, digital video disks, microfiche, microfilm, motion pictures, pictures, photographs, or videotapes; (4) any graphic materials and data compilations from which information can be obtained; (5) any materials using other means of preserving thought or expression; and (6) any tangible things from which data or information can be obtained, processed, recorded, or transcribed. The term "record" also shall mean any drafts, alterations, amendments, changes, or modifications of or to any of the foregoing.

Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii).

Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. In accordance with the statutory designation for a media group, Judicial Watch gathers information of potential interest, uses its editorial skills to create a distinct work, and distributes it to the public. Judicial Watch gathers information using Freedom of Information Act requests, state open records law requests, government contacts, interviews, Internet based research, book based research, and community tips. Judicial Watch distributes its distinct work using its editorial skills in its monthly newsletter *The Verdict*, its weekly e-mail publication *Weekly Update*, its blog *Corruption Chronicles*, and special reports.

National Endowment for Arts
Freedom of Information Act Request
28 September 2009
Page 3 of 4

The Verdict maintains a subscription of over 120,000 and Judicial Watch's website has logged over 500,000 page views just between January 2009 and April 2009 with 2,000 unique visitors per day. *Weekly Update* reaches 25,000 people per week

The statute also notes that government may consider an organization's past publication record. When considering Judicial Watch's past publication record, its previous media status is also relevant. Judicial Watch has been recognized as a member of the media in past FOIA litigation; See *Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000); and, *Judicial Watch, Inc. v. Dep't of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006). Furthermore, Judicial Watch has consistently been recognized as a member of the news media in other FOIA requests. Within the last 6 months, Judicial Watch was designated as media by the Department of State on 27 March 2009 (200901038), Department of Homeland Security on 20 November 2008 (DHS/OS/PRIV 09-49), Federal Housing Finance Agency on 8 December 2008 (FOIA 2009-31), and Department of the Treasury on 6 January 2009 (2008-12-019).

In addition to meeting and exceeding the statutory requirements as a media organization, Judicial Watch's mission and peer recognition further qualify it for the media category. The Pew Research Center's Project for Excellence in Journalism provides that "the central purpose of journalism is to provide citizens with accurate and reliable information they need to function in a free society.... serving as watchdog and offering voice to the voiceless."ⁱ Judicial Watch's mission is consistent with this definition ("promotes transparency, accountability and integrity in government, politics and the law.") Furthermore, *The Hill* has recognized Judicial Watch as one of the top watchdog organizations in the country.² In addition to the *Hill's* recognition, Judicial Watch has also been awarded press credentials and membership in journalism organizations.

Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii).

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to promote transparency, accountability and integrity in government, politics and the law. Its loyalty is to the truth and to the public. It uses litigation to access the truth and its publications to inform the public.

² <http://thehill.com/business--lobby/lobby-league-31-watchdogs-2005-02-16.html>

**National Endowment for Arts
Freedom of Information Act Request
28 September 2009
Page 4 of 4**

Records necessarily pertain to a government activity as NEA provides government funding to artists. If NEA's mission becomes political, then government funding too could become a political tool. Disclosure will contribute to understanding the controversy. Some claim that NEA's mission has not strayed political and that the call was a simple misunderstanding. Others claim that an NEA employee made a mistake and it does not reflect upon the agency. Disclosure will contribute significantly to public understanding of the controversy as well as the necessary separation between politics and agency work. A broad audience will likely be interested in the records as the story has already garnered much attention and people are demanding to know more.

Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves, as an article to a broad audience in one of its publications.

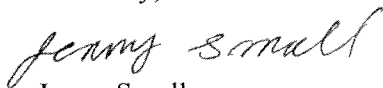
In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5181 or jsmall@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,



Jenny Small
Judicial Watch, Inc.
Researcher

ⁱ "Principles of Journalism" Pew Research Center's Project for Excellence in Journalism.
<<http://www.journalism.org/resources/principles>>.

Monica Ashar

From: Monica Ashar
Sent: Tuesday, October 27, 2009 3:45 PM
To: 'jsmall@judicialwatch.org'
Subject: NEA FOIA Request F09-074
Attachments: 8-10-09 14-22.pdf; 8-10-09 14-26(1).pdf; 8-10-09 13-30.pdf; 8-10-09 11-04.pdf

Re: F09-074

Dear Ms. Small:

We are currently processing your request under the Freedom of Information Act, (FOIA), 5 U.S.C. 552, and we would like to provide you with an update on its status. In your letter, you requested copies of the following:

1. "Any and all correspondence between the White House and NEA Communications Director Yosi Sergeant."
2. "Guidelines regarding the National Service Initiative."
3. "Guidelines regarding engaging in political activities."
4. "Guidelines and memos regarding the United We Serve campaign."

Under usual circumstances, an agency has 20 working days in which to provide documents responsive to a request. Because the documents that you requested contain information that originated with other federal components, we are consulting with those components before we complete our final processing. The attached documents have already been reviewed through the consultation process. There are still others, however, that have not completed the consultation phase. Although we do not anticipate that this consultation period will be long, we are required to notify you when we are unable to provide all of the documents within the initial 20-day time period.

Attached are documents responsive to part one of your request. The agency does not have any documents responsive to parts two and four of your request. You may wish to contact the Corporation for National and Community Service to obtain that information. Regarding part three of your request, all National Endowment for the Arts employees are subject to the Hatch Act. Information can be found at the following link: http://www.osc.gov/ha_fed.htm.

Personal data that can be attributed to specific individuals have been redacted in accordance with exemption (b)(6) of the Freedom of Information Act (FOIA), which protects "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," 5 U.S.C. 552(b)(6). Phone numbers and email addresses of White House personnel have been redacted in accordance with exemption (b)(2), which protects information "related solely to the internal personnel rules and practices of an agency." Unless otherwise indicated on the documents, redactions have been made under (b)(6).

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act (NFAHA), 20 U.S.C. 951 *et. seq.*, and the Freedom of Information Act (FOIA), 5 U.S.C. 552, *et. seq.* with respect to the release of agency records.

Please contact this office at (202) 682-5418 if you have any questions about this response.

Sincerely,
Monica Ashar

~~~~~

Monica Ashar  
FOIA Officer  
National Endowment for the Arts

## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Thursday, March 11, 2010 5:43 PM  
**To:** 'Jenny Small'  
**Subject:** RE: NEA FOIA Request F09-074

Dear Ms. Small,

We are continuing to process your request (F09-074). The remaining documents that are responsive to your request are currently in the consultation phase. We are unable to provide an estimate for the date that you should expect to receive them.

- Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

**From:** Jenny Small [mailto:jsmall@judicialwatch.org]  
**Sent:** Thursday, March 11, 2010 11:13 AM  
**To:** Monica Ashar  
**Subject:** RE: NEA FOIA Request F09-074

Ms. Ashar,

It has been awhile since I have heard from your office concerning this FOIA. We did receive a partial response 10/27. When do you expect to provide the remaining documents?

Thank you,

Jenny Small  
Investigations Researcher  
Judicial Watch, Inc.  
202-646-5181  
[jsmall@judicialwatch.org](mailto:jsmall@judicialwatch.org)

**STATEMENT OF CONFIDENTIALITY:**

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify Judicial Watch, Inc. immediately at either 202-646-5172 or at [info@judicialwatch.org](mailto:info@judicialwatch.org), and destroy all copies of the message and any attachments.

---

**From:** Monica Ashar [mailto:asharm@arts.gov]  
**Sent:** Tuesday, October 27, 2009 3:45 PM  
**To:** jsmall@judicialwatch.org  
**Subject:** NEA FOIA Request F09-074

Re: F09-074

Dear Ms. Small:

We are currently processing your request under the Freedom of Information Act, (FOIA), 5 U.S.C. 552, and we would like to provide you with an update on its status. In your letter, you requested copies of the following:

1. "Any and all correspondence between the White House and NEA Communications Director Yosi Sergeant."
2. "Guidelines regarding the National Service Initiative."
3. "Guidelines regarding engaging in political activities."
4. "Guidelines and memos regarding the United We Serve campaign."

Under usual circumstances, an agency has 20 working days in which to provide documents responsive to a request. Because the documents that you requested contain information that originated with other federal components, we are consulting with those components before we complete our final processing. The attached documents have already been reviewed through the consultation process. There are still others, however, that have not completed the consultation phase. Although we do not anticipate that this consultation period will be long, we are required to notify you when we are unable to provide all of the documents within the initial 20-day time period.

Attached are documents responsive to part one of your request. The agency does not have any documents responsive to parts two and four of your request. You may wish to contact the Corporation for National and Community Service to obtain that information. Regarding part three of your request, all National Endowment for the Arts employees are subject to the Hatch Act. Information can be found at the following link: [http://www.osc.gov/ha\\_fed.htm](http://www.osc.gov/ha_fed.htm).

Personal data that can be attributed to specific individuals have been redacted in accordance with exemption (b)(6) of the Freedom of Information Act (FOIA), which protects "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," 5 U.S.C. 552(b)(6). Phone numbers and email addresses of White House personnel have been redacted in accordance with exemption (b)(2), which protects information "related solely to the internal personnel rules and practices of an agency." Unless otherwise indicated on the documents, redactions have been made under (b)(6).

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act (NFAHA), 20 U.S.C. 951 *et. seq.*, and the Freedom of Information Act (FOIA), 5 U.S.C. 552, *et. seq.* with respect to the release of agency records.

Please contact this office at (202) 682-5418 if you have any questions about this response.

Sincerely,  
Monica Ashar

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

18 May 2010

**Please note that effective June 1, 2010 Judicial Watch's new address will be:**

425 Third Street, SW Suite 800  
Washington, DC 20024

Our phone numbers, fax numbers, and email addresses will remain the same:

Phone (main) 202- 646-5172

Fax 202-646-5199

firstinitiallastname@judicialwatch.org (ex. jsmall@judicialwatch.org)

Future correspondence should be directed to either the signatory of the request or either of the following two supervisors:

Tegan Millspaw, Program Manager  
Chris Farrell, Director of Investigations and Research

Pending Judicial Watch Freedom of Information Act request case numbers belonging to National Endowment for the Arts include:

F09-074

09-071

## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Wednesday, May 19, 2010 4:49 PM  
**To:** 'Jenny Small'  
**Subject:** RE: NEA FOIA Request F09-074

Dear Ms. Small,

The documents responsive to FOIA request F09-074 are still in the consultation phase. We are unable to provide you with an estimate of when the consultation will be complete. We will send them to you as soon as we can.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

**From:** Jenny Small [mailto:jsmall@judicialwatch.org]  
**Sent:** Wednesday, May 19, 2010 3:04 PM  
**To:** Monica Ashar  
**Subject:** RE: NEA FOIA Request F09-074

Ms. Ashar,

Could you provide a status update of Judicial Watch's request?

Thank you,

Jenny Small  
Investigations Researcher  
Judicial Watch, Inc.  
202-646-5181  
[jsmall@judicialwatch.org](mailto:jsmall@judicialwatch.org)

Effective June 1, 2010, Judicial Watch's office will be located on:  
425 Third Street, SW. Suite 800  
Washington, DC 20024

**STATEMENT OF CONFIDENTIALITY:**

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---

**From:** Monica Ashar [mailto:asharm@arts.gov]  
**Sent:** Tuesday, April 20, 2010 2:32 PM

**To:** Jenny Small  
**Subject:** RE: NEA FOIA Request F09-074

Dear Ms. Small,

The documents that are responsive to your FOIA request (F09-074) are still in the consultation phase. At this time, we are unable to estimate when the consultation will be complete. We will send them to you as soon as we can.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

**From:** Jenny Small [mailto:jsmall@judicialwatch.org]  
**Sent:** Tuesday, April 20, 2010 12:07 PM  
**To:** Monica Ashar  
**Subject:** RE: NEA FOIA Request F09-074

Ms. Ashar,

I would greatly appreciate if you could once again provide a status update.

Thank you,

Jenny Small  
Investigations Researcher  
Judicial Watch, Inc.  
202-646-5181  
jsmall@judicialwatch.org

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---

**From:** Monica Ashar [mailto:asharm@arts.gov]  
**Sent:** Thursday, March 11, 2010 5:43 PM  
**To:** Jenny Small  
**Subject:** RE: NEA FOIA Request F09-074

Dear Ms. Small,

We are continuing to process your request (F09-074). The remaining documents that are responsive to your request are currently in the consultation phase. We are unable to provide an estimate for the date that you should expect to receive them.

- Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

**From:** Jenny Small [mailto:jsmall@judicialwatch.org]  
**Sent:** Thursday, March 11, 2010 11:13 AM  
**To:** Monica Ashar  
**Subject:** RE: NEA FOIA Request F09-074

Ms. Ashar,

It has been awhile since I have heard from your office concerning this FOIA. We did receive a partial response 10/27. When do you expect to provide the remaining documents?

Thank you,

Jenny Small  
Investigations Researcher  
Judicial Watch, Inc.  
202-646-5181  
jsmall@judicialwatch.org

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---

**From:** Monica Ashar [mailto:asharm@arts.gov]  
**Sent:** Tuesday, October 27, 2009 3:45 PM  
**To:** jsmall@judicialwatch.org  
**Subject:** NEA FOIA Request F09-074

Re: F09-074

Dear Ms. Small:

We are currently processing your request under the Freedom of Information Act, (FOIA), 5 U.S.C. 552, and we would like to provide you with an update on its status. In your letter, you requested copies of the following:

1. "Any and all correspondence between the White House and NEA Communications Director Yosi Sergeant."
2. "Guidelines regarding the National Service Initiative."
3. "Guidelines regarding engaging in political activities."
4. "Guidelines and memos regarding the United We Serve campaign."

Under usual circumstances, an agency has 20 working days in which to provide documents responsive to a request. Because the documents that you requested contain information that originated with other federal components, we are



consulting with those components before we complete our final processing. The attached documents have already been reviewed through the consultation process. There are still others, however, that have not completed the consultation phase. Although we do not anticipate that this consultation period will be long, we are required to notify you when we are unable to provide all of the documents within the initial 20-day time period.

Attached are documents responsive to part one of your request. The agency does not have any documents responsive to parts two and four of your request. You may wish to contact the Corporation for National and Community Service to obtain that information. Regarding part three of your request, all National Endowment for the Arts employees are subject to the Hatch Act. Information can be found at the following link: [http://www.osc.gov/ha\\_fed.htm](http://www.osc.gov/ha_fed.htm).

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Please contact this office at (202) 682-5418 if you have any questions about this response.

Sincerely,  
Monica Ashar

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Wednesday, June 16, 2010 9:52 AM  
**To:** 'Jenny Small'  
**Subject:** RE: FOIA F09-074

Dear Ms. Small,

The documents that are responsive to FOIA request F09-074 are still in the consultation phase. At this time, we are unable to estimate when the consultation will be complete. We will send them to you as soon as we can.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

**From:** Jenny Small [mailto:[jsmall@judicialwatch.org](mailto:jsmall@judicialwatch.org)]  
**Sent:** Tuesday, June 15, 2010 4:40 PM  
**To:** Monica Ashar  
**Subject:** FOIA F09-074

Ms. Ashar,

I would greatly appreciate a status update of Judicial Watch's FOIA request control number F09-074.

Thank you,

Jenny Small  
Investigations Researcher  
Judicial Watch, Inc.  
202-646-5181  
[jsmall@judicialwatch.org](mailto:jsmall@judicialwatch.org)

Effective June 1, 2010, Judicial Watch's office will be located at:  
425 Third Street, SW. Suite 800  
Washington, DC 20024

### STATEMENT OF CONFIDENTIALITY:

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## Monica Ashar

---

**From:** Jenny Small [jsmall@judicialwatch.org]  
**Sent:** Wednesday, June 23, 2010 12:58 PM  
**To:** jsmall@judicialwatch.org  
**Subject:** New Judicial Watch FOIA POC

I wanted to thank you all for your tremendous work on FOIA. I will be leaving Judicial Watch (b)(6). Judicial Watch and the public are still interested in my pending requests and I would like to provide you a new point of contact. Please contact Judicial Watch's Program Manager, Tegan Millspaw, at [tmillspaw@judicialwatch.org](mailto:tmillspaw@judicialwatch.org) with any questions you may have.

It has been a pleasure working with you.

Thank you,

Jenny Small  
Investigations Researcher  
Judicial Watch, Inc.  
202-646-5181  
[jsmall@judicialwatch.org](mailto:jsmall@judicialwatch.org)

Effective June 1, 2010, Judicial Watch's office will be located at:  
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Monica Ashar

FID-002

**From:** Patrick Courrielche (b)(6)  
**Sent:** Tuesday, October 20, 2009 8:46 PM  
**To:** arts\_foia  
**Cc:** Patrick Courrielche  
**Subject:** FOIA request of the National Endowment for the Arts (resend/modified request)

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

In order to determine my status for purposes of determining the applicability of any fees, you should know that I am an unpaid contributor to the Big Hollywood website and this request is made as part of news gathering and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

I am an unpaid contributor to Big Hollywood, and plan to distribute the information through my blog post.

I request that a copy of the following documents or documents containing the following information be provided to me:

On August 10th, 2009, a conference call was hosted by the National Endowment for the Arts, the White House Office of Public Engagement and The Corporation for National and Community Service for the United We Serve initiative. Some 75 invitations for this conference call were delivered via email to individuals active in art and communications arts.

I am requesting any emails (and attachments within said emails) or documents associated with this and related events.

Timeframe of the documents: July 1, 2009 - October 19, 2009 Agency employees:

- Yosi Sergant
- Patrice Walker Powell
- Rocco Landesman
- Victoria Hutter

Subject matter or Key words that could be contained in the documents:

- United We Serve
- Serve.gov
- iParticipate
- Nell Abernathy
- Buffy Wicks
- Kalpen Modi
- Skolnik
- Thomas Bates
- Courrielche
- Big Hollywood (or BigHollywood)
- Breitbart
- Americans for the Arts
- Entertainment Industry Foundation
- Rock the Vote

I would be happy to receive the information via email, or any other convenient format.

Timeframe of the documents: July 1, 2009 - October 19, 2009 Agency employees:

- Yosi Sergeant
- Patrice Walker Powell
- Rocco Landesman
- Victoria Hutter

Subject matter or Key words that could be contained in the documents:

- United We Serve
- Serve.gov
- iParticipate
- Nell Abernathy
- Buffy Wicks
- Kalpen Modi
- Skolnik
- Thomas Bates
- Courrielche
- Big Hollywood (or BigHollywood)
- Breitbart
- Americans for the Arts
- Entertainment Industry Foundation
- Rock the Vote

I would be happy to receive the information via email, or any other convenient format.

Please confirm receipt of this request at your earliest convenience. Thank you so much for your consideration of this request.

Best,

Patrick Courrielche

(b)(6)

(b)(6)

Tel. (b)(6)

Fax. (b)(6)

(b)(6)

## Monica Ashar

---

**From:** arts\_foia  
**Sent:** Wednesday, October 21, 2009 8:20 AM  
**To:** 'Patrick Courrielche'  
**Subject:** RE: FOIA request of the National Endowment for the Arts (resend/modified request)

Dear Mr. Courrielche,

I am writing to confirm the receipt of your modified FOIA request. It has been assigned reference number F10-002. If you have any questions, please feel free to contact me.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Phone: (202) 682-5007  
Fax: (202) 682-5572

-----Original Message-----

**From:** Patrick Courrielche [mailto:(b)(6)]  
**Sent:** Tuesday, October 20, 2009 8:46 PM  
**To:** arts\_foia  
**Cc:** Patrick Courrielche  
**Subject:** FOIA request of the National Endowment for the Arts (resend/modified request)

Dear FOIA Officer:  
This is a request under the Freedom of Information Act.

In order to determine my status for purposes of determining the applicability of any fees, you should know that I am an unpaid contributor to the Big Hollywood website and this request is made as part of news gathering and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

I am an unpaid contributor to Big Hollywood, and plan to distribute the information through my blog post.

I request that a copy of the following documents or documents containing the following information be provided to me:

On August 10th, 2009, a conference call was hosted by the National Endowment for the Arts, the White House Office of Public Engagement and The Corporation for National and Community Service for the United We Serve initiative. Some 75 invitations for this conference call were delivered via email to individuals active in art and communications arts.

I am requesting any emails (and attachments within said emails) or documents associated with this and related events.



## Monica Ashar

---

**From:** Patrick Courrielche (b)(6)  
**Sent:** Friday, October 30, 2009 6:04 PM  
**To:** arts\_foia  
**Subject:** Re: FOIA request of the National Endowment for the Arts (resend/modified request)

Hello Monica. I'd like to add one additional piece of information into my request (Reference Number F10-002).

On September 22nd, Chairman Landesman stated that he "arrived at the agency on August 11th the day after the conference call." I'd like any documentation that you can provide that shows of Chairman Landesman's schedule starting from when he was appointed (August 7th) through August 11th to verify this statement.

Please confirm receipt of this request. Thanks so much for your help.

Best,  
Patrick Courrielche

on 10/21/09 5:19 AM, arts\_foia at [arts\\_foia@arts.gov](mailto:arts_foia@arts.gov) wrote:

> Dear Mr. Courrielche,  
>  
> I am writing to confirm the receipt of your modified FOIA request. It  
> has been assigned reference number F10-002. If you have any questions,  
> please feel free to contact me.

>  
> Sincerely,  
> Monica Ashar  
>  
> \*\*\*\*\*

> Monica Ashar  
> FOIA Officer  
> National Endowment for the Arts  
> 1100 Pennsylvania Avenue, NW, Suite 608 Washington, DC 20506  
> Phone: (202) 682-5007  
> Fax: (202) 682-5572  
>  
>

> -----Original Message-----

> From: Patrick Courrielche [mailto:(b)(6)]  
> Sent: Tuesday, October 20, 2009 8:46 PM  
> To: arts\_foia  
> Cc: Patrick Courrielche  
> Subject: FOIA request of the National Endowment for the Arts  
> (resend/modified  
> request)  
>

> Dear FOIA Officer:  
> This is a request under the Freedom of Information Act.  
>  
> In order to determine my status for purposes of determining the  
> applicability of any fees, you should know that I am an unpaid  
> contributor to the Big Hollywood website and this request is made as

> part of news gathering and not for a commercial use.  
>  
> I request a waiver of all fees for this request. Disclosure of the  
> requested information to me is in the public interest because it is  
> likely to contribute significantly to public understanding of the  
> operations or activities of the government and is not primarily in my commercial interest.  
> I am an unpaid contributor to Big Hollywood, and plan to distribute  
> the information through my blog post.  
>  
> I request that a copy of the following documents or documents  
> containing the following information be provided to me:  
>  
> On August 10th, 2009, a conference call was hosted by the National  
> Endowment for the Arts, the White House Office of Public Engagement  
> and The Corporation for National and Community Service for the United  
> We Serve initiative. Some 75 invitations for this conference call were  
> delivered via email to individuals active in art and communications arts.  
>  
> I am requesting any emails (and attachments within said emails) or  
> documents associated with this and related events.  
>  
> Timeframe of the documents: July 1, 2009 - October 19, 2009 Agency  
> employees:  
> - Yosi Sergeant  
> - Patrice Walker Powell  
> - Rocco Landesman  
> - Victoria Hutter  
>  
> Subject matter or Key words that could be contained in the documents:  
> - United We Serve  
> - Serve.gov  
> - iParticipate  
> - Nell Abernathy  
> - Buffy Wicks  
> - Kalpen Modi  
> - Skolnik  
> - Thomas Bates  
> - Courrielche  
> - Big Hollywood (or BigHollywood)  
> - Breitbart  
> - Americans for the Arts  
> - Entertainment Industry Foundation  
> - Rock the Vote  
>  
> I would be happy to receive the information via email, or any other  
> convenient format.  
>  
> Please confirm receipt of this request at your earliest convenience.  
> Thank you so much for your consideration of this request.  
>  
> Best,  
> Patrick Courrielche  
> (b)(6)  
> (b)(6)  
> Tel. (b)(6)  
> Fax. (b)(6)  
> (b)(6)



## Monica Ashar

---

**From:** Patrick Courrielche (b)(6)  
**Sent:** Wednesday, November 18, 2009 5:00 PM  
**To:** arts\_foia  
**Subject:** Re: FOIA request of the National Endowment for the Arts (resend/modified request)

Please send them as they come. Thanks for your help Monica!

Best,  
Patrick Courrielche

on 11/18/09 1:48 PM, arts\_foia at arts\_foia@arts.gov wrote:

> Dear Patrick,  
>  
> Your request is currently being processed, and we plan to release a  
> number of documents to you tomorrow, which is the 20th day since your  
> request was received. There are many more responsive documents,  
> however, that we are still processing. Would you prefer to receive all  
> of the documents at once, or would you prefer to receive a batch  
> tomorrow and the remaining documents when they are ready?  
>

> Thanks,  
> Monica  
>

> \*\*\*\*\*  
> Monica Ashar  
> FOIA Officer  
> National Endowment for the Arts  
> 1100 Pennsylvania Avenue, NW, Suite 608 Washington, DC 20506  
> Ph: (202) 682-5007 | Fax: (202) 682-5572  
>

> -----Original Message-----

> From: Patrick Courrielche [mailto:(b)(6)]  
> Sent: Tuesday, November 17, 2009 4:54 PM  
> To: arts\_foia  
> Cc: Patrick Courrielche  
> Subject: Re: FOIA request of the National Endowment for the Arts  
> (resend/modified request)  
>

> Hello Monica. I'm just following up regarding my FOIA request with  
> Reference Number F10-002.  
>

> Please provide an update at your earliest convenience. Thanks!!  
>

> Best,  
> Patrick Courrielche  
>

> on 10/30/09 3:07 PM, arts\_foia at arts\_foia@arts.gov wrote:  
>

>> Dear Patrick,  
>>

>> I'm writing to confirm that I received the amendment to your request.

>>  
>> Have a good weekend.  
>>  
>> - Monica  
>>  
>> \*\*\*\*\*  
>> Monica Ashar  
>> FOIA Officer  
>> National Endowment for the Arts  
>> 1100 Pennsylvania Avenue, NW, Suite 608 Washington, DC 20506  
>> Ph: (202) 682-5007 | Fax: (202) 682-5572  
>>  
>> -----Original Message-----  
>> From: Patrick Courrielche [mailto:(b)(6)]  
>> Sent: Friday, October 30, 2009 6:04 PM  
>> To: arts\_foia  
>> Subject: Re: FOIA request of the National Endowment for the Arts  
>> (resend/modified request)  
>>  
>> Hello Monica. I'd like to add one additional piece of information  
>> into my request (Reference Number F10-002).  
>>  
>> On September 22nd, Chairman Landesman stated that he "arrived at the  
>> agency on August 11th the day after the conference call." I'd like  
>> any documentation that you can provide that shows of Chairman  
>> Landesman's schedule starting from when he was appointed (August 7th)  
>> through August 11th to verify this statement.  
>>  
>> Please confirm receipt of this request. Thanks so much for your help.  
>>  
>> Best,  
>> Patrick Courrielche  
>>  
>>  
>> on 10/21/09 5:19 AM, arts\_foia at arts\_foia@arts.gov wrote:  
>>  
>>> Dear Mr. Courrielche,  
>>>  
>>> I am writing to confirm the receipt of your modified FOIA request.  
>>> It has been assigned reference number F10-002. If you have any  
>>> questions, please feel free to contact me.  
>>>  
>>> Sincerely,  
>>> Monica Ashar  
>>>  
>>> \*\*\*\*\*  
>>> Monica Ashar  
>>> FOIA Officer  
>>> National Endowment for the Arts  
>>> 1100 Pennsylvania Avenue, NW, Suite 608 Washington, DC 20506  
>>> Phone: (202) 682-5007  
>>> Fax: (202) 682-5572  
>>>  
>>>  
>>> -----Original Message-----  
>>> From: Patrick Courrielche [mailto:(b)(6)]  
>>> Sent: Tuesday, October 20, 2009 8:46 PM

>>> To: arts\_foia  
>>> Cc: Patrick Courrielche  
>>> Subject: FOIA request of the National Endowment for the Arts  
>>> (resend/modified  
>>> request)  
>>>  
>>> Dear FOIA Officer:  
>>> This is a request under the Freedom of Information Act.  
>>>  
>>> In order to determine my status for purposes of determining the  
>>> applicability of any fees, you should know that I am an unpaid  
>>> contributor to the Big Hollywood website and this request is made as  
>>> part of news gathering and not for a commercial use.  
>>>  
>>> I request a waiver of all fees for this request. Disclosure of the  
>>> requested information to me is in the public interest because it is  
>>> likely to contribute significantly to public understanding of the  
>>> operations or activities of the government and is not primarily in my commercial  
interest.  
>>> I am an unpaid contributor to Big Hollywood, and plan to distribute  
>>> the information through my blog post.  
>>>  
>>> I request that a copy of the following documents or documents  
>>> containing the following information be provided to me:  
>>>  
>>> On August 10th, 2009, a conference call was hosted by the National  
>>> Endowment for the Arts, the White House Office of Public Engagement  
>>> and The Corporation for National and Community Service for the  
>>> United We Serve initiative. Some 75 invitations for this conference  
>>> call were delivered via email to individuals active in art and communications arts.  
>>>  
>>> I am requesting any emails (and attachments within said emails) or  
>>> documents associated with this and related events.  
>>>  
>>> Timeframe of the documents: July 1, 2009 - October 19, 2009 Agency  
>>> employees:  
>>> - Yosi Sergeant  
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>>> - Victoria Hutter  
>>>  
>>> Subject matter or Key words that could be contained in the documents:  
>>> - United We Serve  
>>> - Serve.gov  
>>> - iParticipate  
>>> - Nell Abernathy  
>>> - Buffy Wicks  
>>> - Kalpen Modi  
>>> - Skolnik  
>>> - Thomas Bates  
>>> - Courrielche  
>>> - Big Hollywood (or BigHollywood)  
>>> - Breitbart  
>>> - Americans for the Arts  
>>> - Entertainment Industry Foundation  
>>> - Rock the Vote  
>>>

>>> I would be happy to receive the information via email, or any other  
>>> convenient format.  
>>>  
>>> Please confirm receipt of this request at your earliest convenience.  
>>> Thank you so much for your consideration of this request.  
>>>  
>>> Best,  
>>> Patrick Courrielche  
>>> (b)(6) , (b)(6) Tel.  
>>> (b)(6) Fax. (b)(6) (b)(6)  
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## Monica Ashar

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**From:** Monica Ashar  
**Sent:** Thursday, November 19, 2009 5:44 PM  
**To:** 'Patrick Courrielche'  
**Subject:** FOIA Request F10-002  
**Attachments:** F10-002.zip; Certification for requests.docx

Re: F10-002

Dear Mr. Courrielche,

This is a partial response to your request under the Freedom of Information Act (FOIA), 5 U.S.C. 552, et seq. Certain documents that you requested contain information that originated with other federal components, and we are consulting with those components before we complete our final processing. The attached documents have already been reviewed through the consultation process. Other documents are still being gathered and reviewed internally.

Information was redacted from the attached documents based on three FOIA exemptions. Personal data that can be attributed to specific individuals has been redacted in accordance with exemption (b)(6) of the Freedom of Information Act, which protects against "a clearly unwarranted invasion of personal privacy," 5 U.S.C. 552(b)(6). Phone numbers and email addresses of White House personnel have been redacted in accordance with exemption (b)(2), which protects information "related solely to the internal personnel rules and practices of an agency," 5 U.S.C. 552(b)(2). In addition, certain information has been redacted in accordance with the deliberative process privilege, which is incorporated into exemption (b)(5), 5 U.S.C. 552(b)(5). Unless otherwise indicated on the documents, the material has been redacted under (b)(6).

In the amendment to your request, you also asked for "documentation...that shows Chairman Landesman's schedule starting from when he was appointed (August 7<sup>th</sup>) through August 11<sup>th</sup>." His schedule for August 11, which was his first day at the agency, is included in the attached documents. Prior to that, he was a private citizen whose information receives protection under (b)(6).

In addition, we have determined that the release of certain documents that you specified is governed by the Privacy Act. A companion to FOIA, the Privacy Act allows individuals access to federal agency records about themselves. In order for the agency to release the documents that use your name as a search term, we need a notarized statement from you certifying your identity, pursuant to 45 C.F.R. 1159.9(b). A sample statement is provided in an attachment.

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act (NFAHA), 20 U.S.C. 951 et seq., and the Freedom of Information Act with respect to the release of agency records.

In accordance with the Arts Endowment's FOIA regulations, 45 C.F.R. 1100.5(b)(1), you may appeal the Agency's determination on the attached documents pursuant to the FOIA. Such an appeal must be made to the Chairman within ten working days following the receipt of this email.

Please feel free to contact me if you have any questions.

Sincerely,  
Monica Ashar

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Monica Ashar  
FOIA/PA Officer

National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

## Monica Ashar

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**From:** Monica Ashar  
**Sent:** Thursday, November 19, 2009 11:58 AM  
**To:** 'John Greenewald, Jr.'  
**Subject:** RE: FOIA REQUEST

Dear Mr. Greenwald,

I am writing to confirm that I received your request under the Freedom of Information Act. It has been assigned reference number F10-020. I also wanted to receive clarification on your request:

- The "plans and agenda" to which you refer
- The names of the departments and/or staff members whose documents you would like to receive
- The time frame of the documents requested

Sincerely,  
Monica Ashar

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

**From:** John Greenewald, Jr. [mailto:(b)(6)]  
**Sent:** Wednesday, November 18, 2009 1:35 PM  
**To:** Monica Ashar  
**Subject:** FOIA REQUEST

Dear Ma'am,

This is a non-commercial request made under the provisions of the Freedom of Information Act 5 U.S.C. S 552. Pursuant to the U. S. OPEN Records Act of 2007, my FOIA requester status as a "representative of the news media" -- a status entitling me to an unlimited search processing my request, and the first 100 pages free of charge. For examples of my various publication credits in this regard, I refer you to my radio network, and my own personal radio show (syndicated on FM and AM stations) at <http://www.blackvaultradio.com>. My internet website <http://www.theblackvault.com> which holds a vast government document database, along with many freelance articles that I have written, which have also been published in magazines and websites, including OpEdNews.com, UFO Magazine, FATE Magazine, and others.

Additionally, please contact me if this request should incur a charge.

I respectfully request a copy of all documentation, communications, reports, etc., (electronic or otherwise) that relate to the NEAs discussion, participation, or contribution to utilize art to further President Barack Obama's plans and agenda. Please include all documents that may relate to my request, which includes, but is not limited to, reports, communications, emails, letters, memos, inter-agency communications, communications with the White House, or White House Staff, etc.

I ask that this request be expedited, as the information in may yield is of great interest to the American Public, and is a hot topic in the news.



Thank you so much for your time, and I am very much looking forward to your response. Please know that electronic delivery of the requested material or correspondence related to this case is preferred and accepted in lieu of paper copies via snail mail.

Sincerely,

John Greenewald, Jr.

(b)(6)

(b)(6)



## Monica Ashar

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**From:** John Greenewald, Jr. (b)(6)  
**Sent:** Thursday, November 19, 2009 12:26 PM  
**To:** Monica Ashar  
**Subject:** RE: FOIA REQUEST

Dear Ms. Ashar,

- The "plans and agenda" to which you refer

I am referring to any of Obama's political agendas. As you know, recent publicity suggests there was discussions about utilizing art and creating programs at the NEA to further the goals of the administration. I am interested in these programs, although none I can mention in specifics.

- The names of the departments and/or staff members whose documents you would like to receive

Yosi Sergeant, the Director of Communications for the National Endowment for the Arts; Buffy Wicks, Deputy Director of the White House Office of Public Engagement; Nell Abernathy, Director of Outreach for United We Serve; Thomas Bates, Vice President of Civic Engagement for Rock the Vote; and Michael Skolnik, Political Director for Russell Simmons.

- The time frame of the documents requested

Let's limit the time frame to 2006 – Present. I hope that is not too broad.

Thank you so much for your time.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

**From:** John Greenewald, Jr. [mailto:(b)(6)]  
**Sent:** Wednesday, November 18, 2009 1:35 PM  
**To:** Monica Ashar  
**Subject:** FOIA REQUEST

Dear Ma'am,

This is a non-commercial request made under the provisions of the Freedom of Information Act 5 U.S.C. S 552. Pursuant to the U. S. OPEN Records Act of 2007, my FOIA requester status as a "representative of the news media" -- a status entitling me to an unlimited search processing my request, and the first 100 pages free of charge. For examples of my various publication credits in this regard, I refer you to my radio network, and my own personal radio show (syndicated on FM and AM stations) at <http://www.blackvaultradio.com>. My internet website <http://www.theblackvault.com> which holds a vast government document database, along with many freelance articles that I have written, which have also been published in magazines and websites, including OpEdNews.com, UFO Magazine, FATE Magazine, and others.

## Monica Ashar

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**From:** John Greenewald, Jr. (b)(6)  
**Sent:** Wednesday, December 02, 2009 7:45 PM  
**To:** Monica Ashar  
**Subject:** RE: FOIA REQUEST

Dear Ms. Ashar,

Yes, the documents you reference would be of interest.

Thank you in advance for the material!

John

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**From:** Monica Ashar [mailto:asharm@arts.gov]  
**Sent:** Wednesday, December 02, 2009 2:21 PM  
**To:** John Greenewald, Jr.  
**Subject:** RE: FOIA REQUEST

Dear Mr. Greenewald,

Thank you for helping to clarify your earlier request. The NEA does not "utilize art to further President Barack Obama's plans and agenda;" however, we are interpreting your request to refer to the recent news stories that link former Communications Director Yosi Sergeant with United We Serve, an initiative spearheaded by the Corporation for National and Community Service. We can send you documents from Mr. Sergeant's files that pertain to United We Serve, if that is what you are interested in. Please let me know. The other individuals that you specify are not employees of the National Endowment for the Arts; therefore there are no documents responsive to that part of your request. You may, however, wish to contact the FOIA office at the Corporation for National and Community Service for additional documents. It is the federal agency for which Nell Abernathy worked.

Sincerely,  
Monica Ashar

---

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

---

**From:** John Greenewald, Jr. [mailto:(b)(6)]  
**Sent:** Thursday, November 19, 2009 12:26 PM  
**To:** Monica Ashar  
**Subject:** RE: FOIA REQUEST

Dear Ms. Ashar,

- The "plans and agenda" to which you refer

I am referring to any of Obama's political agendas. As you know, recent publicity suggests there was discussions about utilizing art and creating programs at the NEA to further the goals of the administration. I am interested in these programs, although none I can mention in specifics.

- The names of the departments and/or staff members whose documents you would like to receive

Yosi Sergant, the Director of Communications for the National Endowment for the Arts; Buffy Wicks, Deputy Director of the White House Office of Public Engagement; Nell Abernathy, Director of Outreach for United We Serve; Thomas Bates, Vice President of Civic Engagement for Rock the Vote; and Michael Skolnik, Political Director for Russell Simmons.

- The time frame of the documents requested

Let's limit the time frame to 2006 – Present. I hope that is not too broad.

Thank you so much for your time.

Sincerely,  
Monica Ashar

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

**From:** John Greenewald, Jr. [mailto:(b)(6)]  
**Sent:** Wednesday, November 18, 2009 1:35 PM  
**To:** Monica Ashar  
**Subject:** FOIA REQUEST

Dear Ma'am,

This is a non-commercial request made under the provisions of the Freedom of Information Act 5 U.S.C. S 552. Pursuant to the U. S. OPEN Records Act of 2007, my FOIA requester status as a "representative of the news media" -- a status entitling me to an unlimited search processing my request, and the first 100 pages free of charge. For examples of my various publication credits in this regard, I refer you to my radio network, and my own personal radio show (syndicated on FM and AM stations) at <http://www.blackvaultradio.com>. My internet website <http://www.theblackvault.com> which holds a vast government document database, along with many freelance articles that I have written, which have also been published in magazines and websites, including OpEdNews.com, UFO Magazine, FATE Magazine, and others.

Additionally, please contact me if this request should incur a charge.

I respectfully request a copy of all documentation, communications, reports, etc., (electronic or otherwise) that relate to the NEAs discussion, participation, or contribution to utilize art to further President Barack Obama's plans and agenda. Please include all documents that may relate to my request, which includes, but is not limited to, reports, communications, emails, letters, memos, inter-agency communications, communications with the White House, or White House Staff, etc.

I ask that this request be expedited, as the information in may yield is of great interest to the American Public, and is a hot topic in the news.

Thank you so much for your time, and I am very much looking forward to your response. Please know that electronic delivery of the requested material or correspondence related to this case is preferred and accepted in lieu of paper copies via snail mail.

Sincerely,

John Greenewald, Jr.

(b)(6)

(b)(6)



## Monica Ashar

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**From:** Monica Ashar  
**Sent:** Thursday, December 17, 2009 5:22 PM  
**To:** 'John Greenewald, Jr.'  
**Subject:** RE: FOIA REQUEST  
**Attachments:** F10-020A.zip

(Part 1 of 2)

Re: F10-020

Dear Mr. Greenewald,

This is a partial response to your request under the Freedom of Information Act (FOIA), 5 U.S.C. 552, et seq. Certain documents that you requested contain information that originated with other federal components, and we are consulting with those components before we complete our final processing. The attached documents have already been reviewed through the consultation process. Other documents are still being gathered and reviewed internally.

Information was redacted from the attached documents based on three FOIA exemptions. Personal data that can be attributed to specific individuals has been redacted in accordance with exemption (b)(6) of the Freedom of Information Act, which protects against "a clearly unwarranted invasion of personal privacy," 5 U.S.C. 552(b)(6). Phone numbers and email addresses of White House personnel have been redacted in accordance with exemption (b)(2), which protects information "related solely to the internal personnel rules and practices of an agency," 5 U.S.C. 552(b)(2). In addition, certain information has been redacted in accordance with the deliberative process privilege, which is incorporated into exemption (b)(5), 5 U.S.C. 552(b)(5). Unless otherwise indicated on the documents, the material has been redacted under (b)(6).

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act (NFAHA), 20 U.S.C. 951 et seq., and the Freedom of Information Act with respect to the release of agency records.

In accordance with the Arts Endowment's FOIA regulations, 45 C.F.R. 1100.5(b)(1), you may appeal the Agency's determination on the attached documents pursuant to the FOIA. Such an appeal must be made to the Chairman within ten working days following the receipt of this email.

Please feel free to contact me if you have any questions.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

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**From:** John Greenewald, Jr. [mailto:(b)(6)]  
**Sent:** Wednesday, December 02, 2009 7:45 PM

## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Thursday, December 17, 2009 5:23 PM  
**To:** 'John Greenewald, Jr.'  
**Subject:** RE: FOIA REQUEST  
**Attachments:** F10-020B.zip

(Part 2 of 2)

Re: F10-020

Dear Mr. Greenewald,

This is a partial response to your request under the Freedom of Information Act (FOIA), 5 U.S.C. 552, et seq. Certain documents that you requested contain information that originated with other federal components, and we are consulting with those components before we complete our final processing. The attached documents have already been reviewed through the consultation process. Other documents are still being gathered and reviewed internally.

Information was redacted from the attached documents based on three FOIA exemptions. Personal data that can be attributed to specific individuals has been redacted in accordance with exemption (b)(6) of the Freedom of Information Act, which protects against "a clearly unwarranted invasion of personal privacy," 5 U.S.C. 552(b)(6). Phone numbers and email addresses of White House personnel have been redacted in accordance with exemption (b)(2), which protects information "related solely to the internal personnel rules and practices of an agency," 5 U.S.C. 552(b)(2). In addition, certain information has been redacted in accordance with the deliberative process privilege, which is incorporated into exemption (b)(5), 5 U.S.C. 552(b)(5). Unless otherwise indicated on the documents, the material has been redacted under (b)(6).

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act (NFAHA), 20 U.S.C. 951 et seq., and the Freedom of Information Act with respect to the release of agency records.

In accordance with the Arts Endowment's FOIA regulations, 45 C.F.R. 1100.5(b)(1), you may appeal the Agency's determination on the attached documents pursuant to the FOIA. Such an appeal must be made to the Chairman within ten working days following the receipt of this email.

Please feel free to contact me if you have any questions.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

## JOURNALIST RUSSELL CAROLLO

(b)(6)  
(b)(6)

Phone: (b)(6)

Fax: CALL FIRST

Email: (b)(6)

Oct. 14, 2010

Monica Ashar  
National Endowment for the Arts

Pursuant to the federal Freedom of Information Act, 5 U.S.C. 552, I request access to and copies of all databases containing information related in any way to travel by NEA employees and/or financed by the NEA. This would include, but not be limited to, travel paid for by other entities, public or private.

This request includes, but is not limited to, all records held by or through the Department of Transportation or other outside entities.

The request does not include the NEA-held database specifically described in previous correspondence as containing only re-2004 data.

Please note that subsection 5 USC 552(f)(2)(B) was added in the 2007 amendments:

(f) For purposes of this section, the term—

(1) “agency” as defined in section 551 (1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

(2) “record” and any other term used in this section in reference to information includes—

(A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and

***(B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management.***

Since filing my previous, similar request with NEA on Jan. 25, 2010, (which this request supercedes), it has become clear that the agency that is the subject of the records -- not the agency/entity holding the records -- is responsible for disclosures through.

I also request that you include a record layout (data dictionary) describing all database fields, including withheld fields and any training/instructional material associated with this database. I need raw computer data in an electronic form with field delimiters, **not a text dump, printout or directions to a website**. Also, please include definitions for any codes.

I can accept this computer data in a variety of formats (Oracle, Access, Excel, FoxPro and Paradox and many others), and I ask that you contact me first if you have any technical questions so we can work those out beforehand.

Please justify each deletion (including individual computer fields) separately by reference to specific exemptions of the Act, and release all reasonably segregable portions of otherwise exempt material. I, of course, reserve the right to appeal any decisions.

I will only modify this request in writing -- not via telephone.

Send me documentation of any similar requests.

Notify me prior to incurring more than \$150 of expenses. The information is intended for publication that, as the fee waiver requires, is "likely to contribute significantly to public understanding of the operations or activities of the government." A number of projects about government operations written by me were published by numerous newspapers across the United States and in other countries. Those projects resulted in network news magazine shows on ABC, NBC, CBS and cable networks; Congressional hearings; federal legislation; policy changes; and numerous national awards, including three presented personally by U.S. Presidents Ford, Clinton and George W. Bush. I ask that you waive all fees.

This information is of timely value, so please communicate questions by telephone rather than by mail. I look forward to your reply within 20 business days, as the statute requires.

Thanks for your assistance.

Yours very truly,

Russell Carollo, journalist



## Monica Ashar

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**From:** Monica Ashar  
**Sent:** Friday, October 15, 2010 8:43 AM  
**To:** Russell Carollo  
**Subject:** RE: 2 FOIA requests

Dear Mr. Carollo,

I am writing to confirm that your requests have been received under the Freedom of Information Act. They have been assigned reference numbers F11-005 and F11-006.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica M. Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Phone: (202) 682-5007

---

From: Russell Carollo [ (b)(6) ]  
Sent: Thursday, October 14, 2010 4:36 PM  
To: Monica Ashar  
Subject: 2 FOIA requests

Ms. Ashar,  
Hello.

To avoid my having to use FedEx, please acknowledge receipt of the attached FOIA requests with a simple "received" email reply.

Thank you.

Russell

## Monica Ashar

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**From:** Monica Ashar  
**Sent:** Monday, October 25, 2010 3:17 PM  
**To:** (b)(6)  
**Subject:** FOIA Request F11-005

Dear Mr. Carollo,

I am writing in regards to FOIA request F11-005, in which you ask for "copies of all databases containing information related in any way to travel by NEA employees and/or financed by the NEA." The database to which you refer in your letter belongs to the Department of Transportation, specifically the FAA. We would not be able to provide you with a copy of the database; for that request, you would need to contact the FAA. However, we are able to run certain reports on NEA employee travel. Please let me know if you would like us to refer your request to the FAA, or whether you would like to receive a report generated using the database.

Thanks,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

# RUSSELL CAROLLO

THRU: (b)(6)

(b)(6)

Phone: (b)(6)

Fax: CALL FIRST

Email: (b)(6)

Nov. 1, 2010

Monica Ashar  
National Endowment for the Arts

This is an appeal under the Freedom of Information Act, 5 U.S.C. 552. On Oct. 14, 2010, I filed the attached request. The response is attached.

Nothing in this appeal is intended to change the scope of my request.

The response was not correct for the following reasons:

- 1)I requested a record layout(s)/data dictionary(s). Your response did not address that portion of my request.
- 2)The fact that the records are outsourced to an outside entity does not mean the records are no longer public or are not "an agency record." These are records of how taxpayer funds were spent by top officials in NEA, and the public interest is intense. In addition, taxpayer funds were used to create and maintain the records. They are agency records. They are public records.
- 3)I was denied agency records under 5. U.S.C. 552 and no exemption was cited.
- 4)NEA provided no documentation that it attempted to obtain the data I requested and was denied. Without authorization from NEA, outside entities have no authority to release NEA records.
- 5)Both MSPB and DHHS also use a contractor for its records in Govtrip, and together the two agencies provided me with nearly a half a million electronic records from Govtrip. (SEE: JunketSleuth.com) This clearly indicates NEA, too, can provide the records I requested.
- 6)Please note that subsection 5 USC 552(f)(2)(B) was added in the 2007 amendments, and defines "agency" records, as:  
(f) For purposes of this section, the term—  
***(B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management.***

I respectfully ask that you consider that this request and appeal are made by a journalist and that the information I seek is sought under a law intended by Congress to keep our citizens informed about the activities of government – a law our government and many others feel is vital to a free nation. I also respectfully ask that you consider that this response is not in keeping with the spirit or the letter of that law or with your own policies.

In any case, I expect to receive your decision no later than by 20 business days, as the statute requires.

Thank you for your assistance.

Yours very truly,

  
Russell Carollo, journalist



NATIONAL ENDOWMENT FOR THE ARTS

The Nancy Hanks Center  
1100 Pennsylvania Avenue NW  
Washington DC 20506-0001  
202/682-5400

*Office of the Chairman*

November 2, 2010

Russell Carollo

(b)(6)

(b)(6)

(b)(6)

RE: F11-005 Appeal

Dear Mr. Carollo,

This letter responds to your administrative appeal regarding FOIA request F11-005. You appealed the agency's response to your request.

Your appeal has been closed because a final decision has not yet been issued on your initial request.

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act (NFAHA), 20 U.S.C. 951 *et seq.*, and the Freedom of Information Act (FOIA), 5 U.S.C. 552, *et seq.* with respect to the release of agency records.

In accordance with the Arts Endowment's FOIA provisions of 5 U.S.C. 552(a)(4)(B), you may seek judicial review of the Agency's decision to deny your appeal of F11-005.

Sincerely,

A handwritten signature in cursive script that reads "Rocco Landesman".

Rocco Landesman  
Chairman

Sent 11/3/10

Dear Mr. Carollo,

My email that was sent to you on October 25 regarding F11-005 was not intended as a final response. Rather, I was seeking your input on how you would like to proceed on one part of your request.

From your appeal letter, it seems that there is some confusion about interagency agreements, and how they differ from contracts. In your letter, you note that some agencies use a contractor for their travel. You are correct that "information...maintained for an agency by an entity under Government contract, for the purposes of records management," is a record under FOIA. 5 U.S.C. 552(f)(2)(B).

The NEA, however, does not use a contractor for its travel. Instead, it entered into an interagency agreement with the Federal Aviation Administration (FAA), which is a component agency of the Department of Transportation. Because the FAA is a federal agency, it too is subject to the Freedom of Information Act. According to the 2009 Guide to the Freedom of Information Act, which is published by the Department of Justice, "if an agency...locates entire records originating with another agency..., it should refer those records to their originator for its direct response to the requester." In this case, the database that you seek originates with the FAA.

As I mentioned in my earlier email, the NEA is able to run certain reports from the database. Please let me know if you would like me to refer your request for the database to the FAA, or whether you would like the NEA to run a report for you using the resources that are available.

Sincerely,  
Monica Ashar  
FOIA Officer

## Monica Ashar

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**From:** Russell Carollo (b)(6)  
**Sent:** Sunday, November 07, 2010 11:55 AM  
**To:** Monica Ashar  
**Subject:** Response to your letter  
**Attachments:** 11-8-10 NEA LETTER DATA TRAVEL FOIA.DOC; 11-3-10 NEA RESPONSE TO APPEAL  
10-14-10 DATA TRAVEL FOIA.doc

Ms. Ashar,

Hello.

To avoid my having to use FedEx, please acknowledge receipt of the attached communication with a simple "received" email reply.

Thank you.

Russell



*JOURNALIST RUSSELL CAROLLO*

THRU: (b)(6)  
(b)(6)

Phone: (b)(6)  
Fax: Call first  
Email: (b)(6)

*Nov. 8, 2010*

Monica Ashar  
National Endowment for the Arts

Dear Ms. Ashar,

I am responding to your attached letter of Nov. 3, 2010.

You responded that FOIA guidelines state:

***“...if an agency...locates entire records originating with another agency..., it should refer those records to their originator for its direct response to the requester.”***

If this is the case, why wasn't it done in response to my identical request of Jan. 25, 2010? The response to that earlier request stated that I needed to ask DOT for the records, yet it did not identify specifically where in DOT the records resided or identify the above-mentioned FOIA policy, which suggest it is the responsibility of NEA (***“it should”***) – not the requester – to forward the request.

If the policy says NEA “should” forward the request, I'm unclear as to why you're seeking further direction from me. Does the policy require the requestor's permission? If so, please provide text.

I do not want “reports” generated from the data.

As my request states, I need:

***“...raw computer data in an electronic form with field delimiters, not a text dump, printout or directions to a website.”***

Thank you for your assistance.

Yours very truly,

Russell Carollo

## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Thursday, November 18, 2010 4:51 PM  
**To:** 'Russell Carollo'  
**Subject:** FOIA Request F11-005  
**Attachments:** F11-005 Similar Request.pdf

Dear Mr. Carollo:

This email responds to your request for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. In your email, you requested the following:

- "access to and copies of all databases containing information related in any way to travel by NEA employees and/or financed by the NEA. This would include, but not be limited to, travel paid for by other entities, public or private."
- "a record layout (data dictionary) describing all database fields, including withheld fields and any training/instructional material associated with this database...Also, please include definitions for any codes."
- "documentation of any similar requests."

The first two parts of your request have been sent to the FAA, which is where the records are located. Attached are copies of documents responsive to the third part of your request. No information has been withheld.

I also wanted to take this opportunity to explain the difference under FOIA between "forwarding a request" and "referring records." According to the 2009 Guide to the Freedom of Information Act, an agency is "generally under no obligation to forward the request...to any other agency or component where such records might be located." The NEA acted in accordance to the 2009 Guide when it did not forward your earlier FOIA request (F10-049).

In my previous email, I quoted the following passage from the 2009 Guide: "If an agency...locates entire records originating with another agency...it should refer those records to the originator." In this case, we cannot refer the actual records (i.e. the database and database-related documents) because they are not in our possession. However, we will refer your request to the FAA, which in effect, forwards it. Keep in mind that if your previous FOIA request is still open at the Department of Transportation, you may receive an earlier response to that request than to this one.

In accordance with the Arts Endowment's FOIA regulations, 45 C.F.R. 1100.5(b)(1), you may appeal the Agency's determination pursuant to the FOIA. Such an appeal must be made to the Chairman within ten working days following the receipt of this email.

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act, 20 U.S.C. 951 *et seq.*, and the Freedom of Information Act with respect to the release of agency records.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572



## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Tuesday, December 21, 2010 3:23 PM  
**To:** 'Russell Carollo'  
**Subject:** NEA FOIA Request F11-005

Dear Mr. Carollo,

I understand that you have been in contact with Corinna Zarek at OGIS regarding your series of FOIA requests on agency travel data. At the time we last communicated, I had forwarded your FOIA request to FAA, the agency that maintains the travel database for the National Endowment for the Arts. I am working with Ms. Zarek and the FAA to get you the records that you requested. Ms. Zarek forwarded me the list of fields that you would like to receive:

- Trip ID: the ID of the trip related to the payment
- Voucher ID: the ID of the voucher related to the payment
- Total EIC Amount: total dollar amount to be disbursed to EIC
- Total Traveler Amount: total dollar amount to be disbursed to the traveler
- Amount Paid: payment amount
- Agency Name
- Organization Code
- Organization Name
- Travel City
- Travel County
- Travel State
- Travel Country
- Lodging Rate: daily lodging rate for that site
- Total Per Diem: total per diem rate for the site
- Days: duration in days at the site
- Nights: duration in nights at the site
- Arrival Date
- Departure Date
- Mode 1: mode of transport to the site
- Mode 2: mode of transport from the site
- Non-contract Justification: justification for non-contract
- Class of Service: airfare class (economy, business, first)
- User-declared Class: user-declared cabin class of the trip
- Last Name: of user
- First Name: of user
- MI: middle initial of user
- Suffix: of user
- Full Name: of user
- User title
- User city
- User state
- User country
- User ZIP
- User Organization Code
- Invitational Traveler: yes/no whether this is an invitational trip
- Purpose: specific purpose of the trip

- Type: type of trip
- CONUS Orders: yes/no whether the trip is CONUS
- Record Locator PNR: passenger name record of the reservations of the trip
- Record Locator PNR2: secondary passenger name record of the reservations of the trip

If the NEA or FAA is unable to duplicate the actual database, would you be willing to receive the above data in a different format (like a spreadsheet, for example)?

Thanks,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

## Monica Ashar

---

**From:** Russell Carollo (b)(6)  
**Sent:** Thursday, December 23, 2010 3:21 PM  
**To:** Monica Ashar  
**Cc:** Corinna Zarek  
**Subject:** Re: NEA FOIA Request F11-005

Ms. Ashar,

Thanks for checking back before sending.

One field type addition: fields identifying non-federal source travel, including sponsors.

Mdb or csv are preferred. I can accept a single spreadsheet, but my version of Excel has a record limit of about 65,000. Also, I can only use spreadsheets that I can import into Access, so headers and other formatting cannot be used.

Tell your IT people I plan on importing it all into one Access database, and I'm sure they'll know what is best. If your database is in Oracle, I can translate.

If you have questions, feel free to contact me.

Russell

On Tue, Dec 21, 2010 at 1:22 PM, Monica Ashar <[asharm@arts.gov](mailto:asharm@arts.gov)> wrote:

Dear Mr. Carollo,

I understand that you have been in contact with Corinna Zarek at OGIS regarding your series of FOIA requests on agency travel data. At the time we last communicated, I had forwarded your FOIA request to FAA, the agency that maintains the travel database for the National Endowment for the Arts. I am working with Ms. Zarek and the FAA to get you the records that you requested. Ms. Zarek forwarded me the list of fields that you would like to receive:

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- Amount Paid: payment amount
- Agency Name
- Organization Code
- Organization Name

- Travel City
- Travel County
- Travel State
- Travel Country
- Lodging Rate: daily lodging rate for that site
- Total Per Diem: total per diem rate for the site
- Days: duration in days at the site
- Nights: duration in nights at the site
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- Non-contract Justification: justification for non-contract
- Class of Service: airfare class (economy, business, first)
- User-declared Class: user-declared cabin class of the trip
- Last Name: of user
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- Suffix: of user
- Full Name: of user
- User title
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- User country
- User ZIP

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If the NEA or FAA is unable to duplicate the actual database, would you be willing to receive the above data in a different format (like a spreadsheet, for example)?

Thanks,

Monica Ashar

\*\*\*\*\*

Monica Ashar

FOIA Officer

National Endowment for the Arts

1100 Pennsylvania Avenue, NW, Suite 608

Washington, DC 20506

Ph: (202) 682-5007 | Fax: (202) 682-5572

## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Tuesday, January 11, 2011 4:44 PM  
**To:** 'Russell Carollo'  
**Cc:** Corinna Zarek  
**Subject:** RE: FAA response

Dear Mr. Carollo,

I'm still working with the FAA to provide you with the fields that we discussed. Thank you for bringing this to my attention.

Sincerely,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

**From:** Russell Carollo [mailto:(b)(6)]  
**Sent:** Tuesday, January 11, 2011 4:35 PM  
**To:** Monica Ashar  
**Cc:** Corinna Zarek  
**Subject:** FAA response

Ms. Ashar,

Hello.

I received the attach from FAA.

Are you still providing me the fields discussed in our attached Dec 21 communication? If so, is there any reason to appeal the FAA's no-record determination?

Thank you.

Russell



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Regions and Center Operations  
Mike Monroney Aeronautical Center  
Office of the Director  
P.O. Box 25082  
Oklahoma City, OK 73125

DEC 17 2010

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. Russell Carollo

(b)(6)

(b)(6)

(b)(6)

Dear Mr. Carollo:

Ref: Freedom of Information Act (FOIA) Request 2011-001278

This letter is in response to your FOIA request dated November 19, 2010, requesting access to and copies of all databases containing information related in any way to travel by National Endowment for the Arts (NEA) employees and/or financed by the NEA to include but not limited to travel paid for by other entities, public or private.

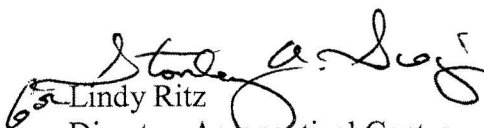
A records search was conducted in the Enterprise Services Center's Travel Branch. We were not able to locate any records or files pertaining to your specific request.

NEA processes travel reimbursements for their employees. Two points of contact at NEA are Sandy Stueckler and Sean Doss. Their mailing address is: National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Finance Office - Suite 624, Washington, DC 20506.

There are no costs associated with the processing of this request.

The undersigned is responsible for the no records determination that the Enterprise Services Center's Travel Branch has no records responsive to your request. Should you consider this no records response a denial of your request, you may request reconsideration of this determination by writing to the Assistant Administrator for Regions and Center Operations, Federal Aviation Administration, 800 Independence Avenue, SW, Washington DC, 20591. Your request must be made in writing within 30 days from the date of receipt of this letter and must include all information and arguments relied upon. Your letter must also state that it is an appeal from the above-described denial of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA."

Sincerely,

  
Lindy Ritz  
Director, Aeronautical Center

Ms. Ashar,

Thanks for checking back before sending.

One field type addition: fields identifying non-federal source travel, including sponsors.

Mdb or csv are preferred. I can accept a single spreadsheet, but my version of Excel has a record limit of about 65,000. Also, I can only use spreadsheets that I can import into Access, so headers and other formatting cannot be used.

Tell your IT people I plan on importing it all into one Access database, and I'm sure they'll know what is best. If your database is in Oracle, I can translate.

Russell

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- Record Locator PNR2: secondary passenger name record of the reservations of the trip

If the NEA or FAA is unable to duplicate the actual database, would you be willing to receive the above data in a different format (like a spreadsheet, for example)?

Thanks,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Wednesday, December 08, 2010 1:46 PM  
**To:** 'Jennifer Malley'  
**Subject:** RE: connecting about Pratt's application last year

The list is fine -- I'll start processing your request. The reference number that has been assigned to this request is F11-025.

Thanks,  
Monica Ashar

-----Original Message-----

From: Jennifer Malley [mailto:jmalley@pratt.org]  
Sent: Wednesday, December 08, 2010 1:29 PM  
To: Monica Ashar  
Subject: RE: connecting about Pratt's application last year

Thanks for your swift response, Monica. I was actually just crafting an email to you.

We would definitely prefer an electronic copy of all of the documents we're requesting. I've attached a word document with a listing of all of the successful applications to the National Endowment for the Arts that we'd like to have a copy of. If you need me to put together a more formal ask (as laid out on the NEA website), I'm happy to do that.

Thanks for your help!

Sincerely,

Jennifer Malley  
Foundation & Corporate Giving Manager  
PRATT FINE ARTS CENTER  
The Place to Make ART  
206.328.2200 x 262  
Tuesday - Friday

Pratt's Holiday Art Sale is at 155 S. Main St. in Pioneer Square this year.  
One-of-a-kind gifts available through December 11!

Register TODAY for winter art classes!  
For more information, visit [www.pratt.org](http://www.pratt.org).

-----Original Message-----

From: Monica Ashar [mailto:asharm@arts.gov]  
Sent: Wednesday, December 08, 2010 10:19 AM  
To: Jennifer Malley  
Cc: Meg Brennan  
Subject: RE: connecting about Pratt's application last year

Hi Jennifer,

Generally with requests for applications, there aren't any fees involved. Most non-commercial FOIA requesters receive the first two hours of search time and the first 100 pages

free of charge. (And duplication costs generally don't apply anyway when requesting an electronic copy of the document.) Just send me an email stating which documents that you would like to receive, and I can begin processing your request.

Thanks,  
Monica Ashar

\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

-----Original Message-----

From: Meg Brennan  
Sent: Wednesday, December 08, 2010 12:10 PM  
To: Jennifer Malley  
Cc: Monica Ashar  
Subject: RE: connecting about Pratt's application last year

Hi Jennifer,  
No problem at all. I don't have an answer for you regarding FOIA but perhaps someone in our General Counsel's office can help. Monica Asher is our FOIA officer, her contact information is below.

Monica Ashar  
FOIA Officer  
[foia@arts.gov](mailto:foia@arts.gov)  
(202) 682-5418

All my best and Happy Holidays!

MEG BRENNAN  
VISUAL ARTS SPECIALIST  
National Endowment for the Arts  
1100 Pennsylvania Ave. N.W.  
Washington, DC 20506-0001  
P: 202-682-5703 | F: 202-682-5721  
[brennanm@arts.endow.gov](mailto:brennanm@arts.endow.gov) | [www.nea.gov](http://www.nea.gov)

-----Original Message-----

From: Jennifer Malley [mailto:[jmalley@pratt.org](mailto:jmalley@pratt.org)]  
Sent: Tuesday, December 07, 2010 8:31 PM  
To: Meg Brennan  
Subject: RE: connecting about Pratt's application last year

Hi Meg,

I'm getting ready to send off requests for the information we talked about. Is there a customary amount that organization pay in order to have copies of these documents either electronic or hard copies?

Thanks again for your help with this and your feedback on our application!

Best,

Jennifer Malley  
Foundation & Corporate Giving Manager  
PRATT FINE ARTS CENTER  
The Place to Make ART  
206.328.2200 x 262  
Tuesday - Friday

Register TODAY for winter art classes!  
For more information, visit [www.pratt.org](http://www.pratt.org).

**2011 Grant Awards: Access to Artistic Excellence [ March 11, 2010 deadline ]**

**✓Appalachian Artisan Center of Kentucky, Inc. (aka Artisan Center)**

Hindman, KY 92580

\$25,000

11-4100-7004

To support the Master Artists in Residence program. During the 12-month residency in jewelry/metals and wood/furniture two artists will receive studio space, a housing allowance, access to equipment, and a supplies stipend to develop their work.

**Center for Photography at Woodstock, Inc. (aka CPW)**

Woodstock, NY 12404

\$20,000

11-4100-7033

To support a residency program for photographers. Artists selected by a peer review panel will be provided studio and darkroom access, equipment, an honorarium, lodging, and meals for residencies as long as six weeks.

**Clay Studio**

Philadelphia, PA 15760

\$20,000

11-4100-7024

To support artist residency opportunities. As many as 11 emerging artists will be provided with two types of residency opportunities, the short-term Guest Artist in Residency Program and the longer-term Resident Artist Program.

**✓Dieu Donné Papermill, Inc. 48465**

New York, NY

\$20,000

11-4100-7013

To support residency opportunities for artists in the hand papermaking tradition. The program will offer eight residencies to mid-career and emerging artists through Lab Grant and the Emerging Workspace Residency programs.

**Light Work Visual Studies, Inc. 14966**

Syracuse, NY

\$25,000

11-4100-7015

To support a residency program for artists and publication of their work in *Contact Sheet- The Light Work Annual*. The project will invite 12 emerging or under-represented artists working in photography or electronic media for one-month residencies, which will include facility and equipment access, housing, an honorarium, the publication of their work, and inclusion of their work on Light Work's online image database.

**Pilchuck Glass School 15910**

Seattle, WA

\$20,000

11-4100-7006

To support an artist residency program. Artists will be provided with resources, facilities, and technical assistance for a

variety of residency opportunities including the John Hauberg Fellowship for distinguished artists whose medium is not glass, summer artists residency, and emerging artists residency.

**Smack Mellon Studios, Inc.** 74999  
Brooklyn, NY 11-4100-7019  
\$26,000

To support the Artist Studio Program. Participating artists will be provided access to studio space, equipment, technical support, professional development opportunities, and an honorarium.

**SPACES** 13575  
Cleveland, OH 11-4100-7023  
\$15,000

To support the World Artists Program, a residency opportunity for national and international artists to create new work. A jury of local, national, and international artists and curators will select four artists for two-month residencies that will include studio space, an honorarium, a stipend, a materials budget, the opportunity for new work to be exhibited in the gallery, and a brochure with a critical essay and color reproductions to be produced for each artist.

**Wheaton Arts and Cultural Center, Inc. (on behalf of Creative Glass Center of America)** 15765  
Millville, NJ 11-4100-7007  
\$26,000

To support a residency program for emerging and mid-career glass artists at the Creative Glass Center of America. There will be six artists selected by a rotating committee of professional artists and educators for residencies of six weeks to three months that will include housing, a stipend, studio facilities, and technical assistance.

**Women's Studio Workshop, Inc.** 13717  
Rosendale, NY 11-4100-7003  
\$20,000

To support residencies for artists at a print and papermaking facility. Up to four artists will be provided a stipend, housing, audio space, technical and production assistance, a materials allowance, and travel costs during an eight-week residency. In addition, the participating artists will produce a print portfolio and limited edition artist's book and will receive an essay for publication by a critic-in-residence.

**Penland School of Crafts, Inc.** 19258  
Penland, NC 11-4100-7009  
\$50,000

To support a residency for artist educators. During the week-long residency that focuses on teaching and learning as well as risk-taking and experimentation, artists will work in Penland's 15

professional teaching studios and have the opportunity to engage with colleagues informally and through moderated discussions.

**2010 Grant Awards: Access to Artistic Excellence [ August 13, 2009 deadline ]**

- ✓ **Carving Studio and Sculpture Center** 90175  
West Rutland, VT 10-4100-7103  
\$20,000  
To support a residency program for sculptors. Artists will be given the opportunity to create monumental sculpture from Vermont marble during a one-month residency.
- ✓ **Roswell Artist-in-Residence Foundation (aka Roswell Artist-in-Residence Program)** 95796  
Roswell, NM 10-4100-7074  
\$50,000  
To support a residency program for artists. Artists will be provided a private house with studio, technical facilities, and a monthly stipend for a year-long residency opportunity.
- ✓ **Southwest School of Art & Craft** 15795  
San Antonio, TX 10-4100-7077  
\$35,000  
To support the Visiting Artist Program. Artists with specialized knowledge in an arcane technical area, or who have applied a traditional method toward innovative ends, will be invited to conduct workshops.
- ✓ **Penland School of Crafts, Inc. (Consortium)** 19253  
Penland, NC 10-4100-7036  
\$30,000  
To support the Teaching Artist in the Schools program. In partnership with Michell County Public Schools, more than 500 children will experience outstanding arts instruction from Penland-affiliated craft artists.
- ✓ **Penland School of Crafts, Inc.** 19258  
Penland, NC 10-4100-7008  
\$90,000  
To support an artist residency program. Artists will be provided with resources, facilities, and technical assistance for a two year project period in a variety of residency opportunities including the Resident Artist program, the Core Fellowship, and the Duensing Letterpress and Print Residencies.

## Monica Ashar

---

**From:** Monica Ashar  
**Sent:** Wednesday, December 29, 2010 9:41 AM  
**To:** 'Jennifer Malley'  
**Subject:** FOIA Request F11-025  
**Attachments:** F11-025 Southwest School.pdf; F11-025 Carving Studio.pdf; F11-025 Penland 2.pdf; F11-025 Penland 3.pdf; F11-025 Roswell.pdf

Dear Ms. Malley,

This email is a partial response to your request for documents under the Freedom of Information Act (FOIA), 5 U.S.C. 552. In your email, you requested copies of the following grant applications:

*From projects funded in FY 2011*

- Appalachian Artisan Center of Kentucky, Inc.
- Center for Photography at Woodstock, Inc.
- Clay Studio
- Dieu Donné Papermill, Inc.
- Light Work Visual Studies, Inc.
- Pilchuck Glass School
- Smack Mellon Studios, Inc.
- SPACES
- Wheaton Arts and Cultural Center, Inc.
- Women's Studio Workshop, Inc.
- Penland School of Crafts, Inc.

*From projects funded in FY 2010*

- Carving Studio and Sculpture Center
- Roswell Artist-in-Residence Foundation
- Southwest School of Art & Craft
- Penland School of Crafts, Inc. (Consortium)
- Penland School of Crafts, Inc.

Attached are copies of the proposals from the projects funded in FY 2010. Salary information, dates from which age may be inferred, and other personal information have been redacted in accordance with exemption (b)(6) of the Freedom of Information Act, which protects against "a clearly unwarranted invasion of personal privacy," 5 U.S.C. 552(b)(6). The proposals from the projects funded in FY 2011 are not yet available for release. We will send them to you when they become available.

The National Endowment for the Arts is governed by the provisions of the National Foundation on the Arts and the Humanities Act, 20 U.S.C. 951 *et seq.*, and the Freedom of Information Act with respect to the release of agency records. In accordance with the Arts Endowment's FOIA regulations, 45 C.F.R. 1100.5(b)(1), you may appeal the Agency's determination pursuant to the FOIA. Such an appeal must be made to the Chairman within ten working days following the receipt of this email.

Please contact this office if you have any questions about this response.

Sincerely,  
Monica Ashar



\*\*\*\*\*

Monica Ashar  
FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572

## Monica Ashar

---

**From:** Jennifer Malley [jmalley@pratt.org]  
**Sent:** Thursday, December 30, 2010 7:10 PM  
**To:** Monica Ashar  
**Subject:** RE: FOIA Request F11-025

Thank you so much for your quick response, Monica! I look forward to receiving copies of the 2011 requests some time next year.

I hope you've been having a wonderful holiday season. Happy New Year!

Sincerely,

**Jennifer Malley**

Foundation & Corporate Giving Manager

**PRATT FINE ARTS CENTER**

**The Place to Make ART**

206.328.2200 x 262

Tuesday – Friday

**Pratt's Holiday Art Sale is at 155 S. Main St. in Pioneer Square this year.**

**One-of-a-kind gifts available through December 11!**

**Register TODAY for winter art classes!**

**For more information, visit [www.pratt.org](http://www.pratt.org).**

-----Original Message-----

**From:** Monica Ashar [mailto:asharm@arts.gov]  
**Sent:** Wednesday, December 29, 2010 6:41 AM  
**To:** Jennifer Malley  
**Subject:** FOIA Request F11-025

Dear Ms. Malley,

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- SPACES
- Wheaton Arts and Cultural Center, Inc.
- Women's Studio Workshop, Inc.
- Penland School of Crafts, Inc.

*From projects funded in FY 2010*

- Carving Studio and Sculpture Center

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FOIA Officer  
National Endowment for the Arts  
1100 Pennsylvania Avenue, NW, Suite 608  
Washington, DC 20506  
Ph: (202) 682-5007 | Fax: (202) 682-5572