

Rummaging in the Government's Attic

Lessons Learned From More Than 1,000 FOIA Requests

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The Next HOPE, 2010



Imagine



Imagine a gigantic database.

A database of documents.

***Every document the U.S.
Government has ever created.***



That database exists.

It even has a name.



It's called ...

**“Every document the U.S.
Government has ever created and
hasn't gotten around to throwing
out yet.”**

You can query this database by using an obscure search engine called “FOIA”



FOIA is the Freedom of Information Act

The Google logo, featuring the word "Google" in its characteristic multi-colored font (blue, red, yellow, blue, green, red).

Electronic

Web

Queries are instant

Search engine is a computer
and an algorithm

Tries to be helpful

The word "Foia" in a multi-colored font (blue, red, yellow, green), mimicking the style of the Google logo.

Paper (mostly)

Postal service (mostly)

Queries take months, years

Search engine is a team
of humans

Tries to be helpful (mostly) ...
but sometimes comes across
as petulant, even hostile

Every document in this database has two things in common:

- Every document in the database was created *with taxpayer money*
- Every document in the database sheds light on *what your government is up to*

But documents in the database stay there unless you ask for them

No mechanism yet exists to systematically share these records with the public.

Requesting documents under FOIA is a socially useful, necessary, and perfectly legal form of “hacking.”

Example: records about the BP blowout

What we're going to learn today

- **What's** a FOIA request
- **How** to submit one
- **Tools and techniques** for FOIA hacking

We'll do this by studying some **examples** from the website GovernmentAttic.org, whose proprietors have filed more than 1,000 FOIA requests in the last few years

A FOIA request can be as simple as a four-sentence letter, email or fax

d00ds,

OMG, this is totally a request under the Freedom of Information Act.

I request that you provide me with a copy of records regarding <whatever>.

I am an individual requesting this information for noncommercial purposes.

I am willing to pay up to \$XX for this request if necessary.

Muchas gracias, Compadres!

J. Random Warez

Must state it's a FOIA request

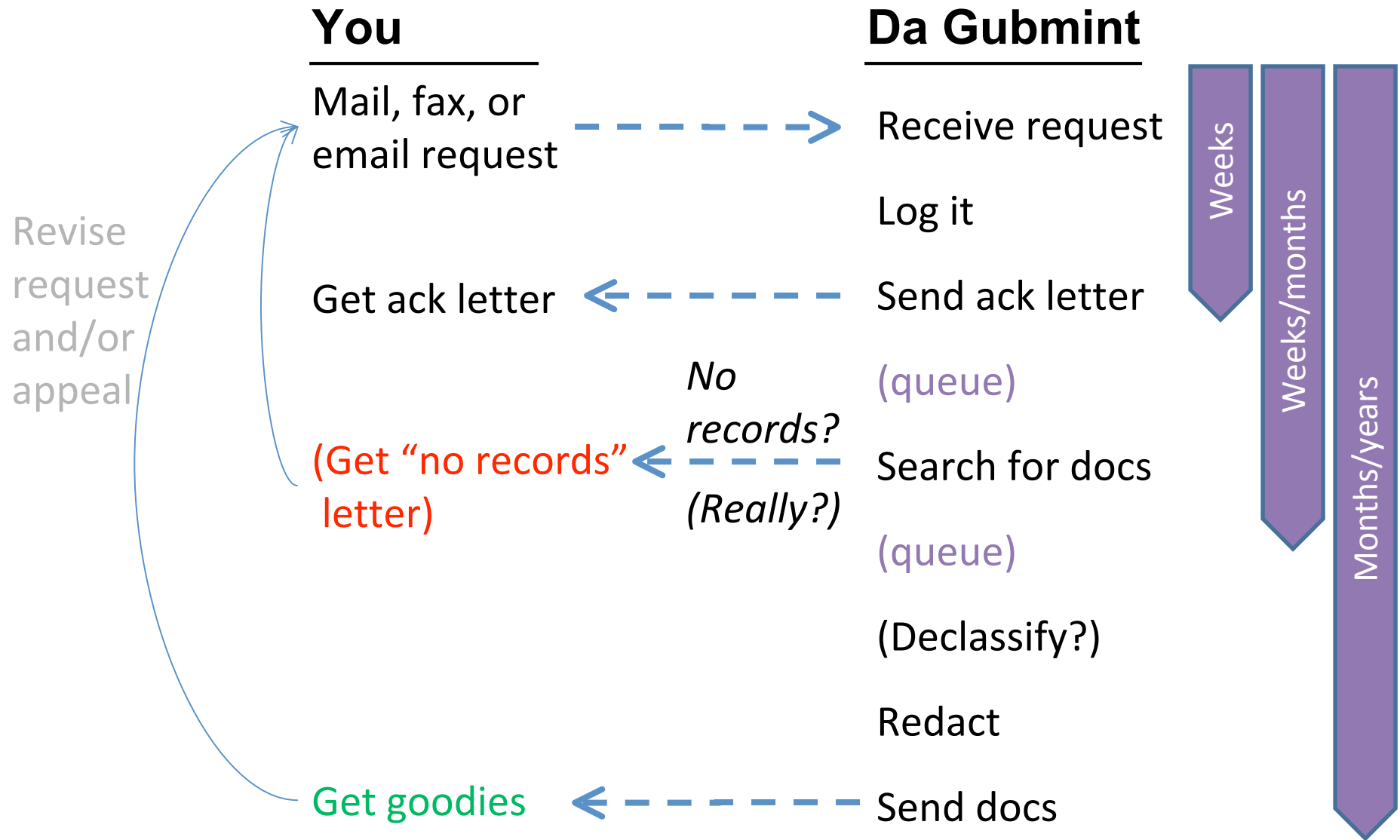
Must describe records you want

Must give info for "fee category"

Must state willingness to pay fees

(Include your return address and contact info!)

The FOIA process



Fees: nuts and bolts

- Agencies can charge certain reasonable search and duplication fees
- Fees based on four “fee categories”
- Most requests end up being free or a few tens of dollars
 - ... but big files & searches can get expensive
- Limit your exposure – state up front how much you’re willing to pay
- If fees are high, get the FOIA officer to explain them to you over the phone

Fees: a tollbooth used by some Agencies to deter requesters

- Fees can be expensive for big requests
- Some Agencies charge high or erroneous fees
- Knowing the four fee categories, being willing to reframe requests, discussing your request with FOIA staff and their IT people can help
- This **“Tollbooth theory”** explains many odd FOIA situations

Exemptions

- Agencies are allowed to black out (“redact”) some stuff under a bunch of FOIA exemptions
- Exemptions range from national security to privacy concerns to “go away, that’s internal stuff”

Redactions look like Swiss cheese

sprinkled with gibberish

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, NEW YORK (100-179649)(P) DATE: 2/22/74

FROM : SA [REDACTED] ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 06-02-200

SUBJECT: TECHNOLOGICAL AMERICAN PARTY
SUBVERSIVE MATTER

On 2/14/74 [REDACTED]

[REDACTED] (Protect) reported to SA [REDACTED] that the Technological American Party (TAP) and its publication "TAP" are unknown to him, as is [REDACTED]. [REDACTED] stated that his organization has had information regarding "phone freaks" and their operations over a period of several years. He advised that the information regarding the design, manufacture and use of various devices to avoid telephone toll charges has appeared in various publications readily available to the public during the past four or five years. Some devices utilized are known as black or blue boxes.

New York memo dated 1/22/74 reflects that [REDACTED] of [REDACTED] is associated with TAP, and that the 1973-1974 directory of the New York Telephone Company lists [REDACTED] as residing at that address, with telephone # [REDACTED].

Review of current telephone directories for the five boroughs of New York City reflects that one [REDACTED] is listed as residing at [REDACTED] with telephone # [REDACTED]. Also reflected is one [REDACTED] at [REDACTED] telephone # [REDACTED].

The records of the New York Board of Elections, New York, New York, as reviewed on 2/13/74 by SC [REDACTED] reflect no registration for any individual named [REDACTED] from [REDACTED] for the years 1968 - 1973.

[REDACTED] reported to SA [REDACTED] on 1/23/74 that [REDACTED]

1 - 87- 72692 (24)(Info)
100-179649

ALGL:alf
(2)

100-179649-14

SEARCHED INDEXED
SERIALIZED FILED
FEB 28 1974
FBI-NEW YORK

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Swiss cheese

(Holes where your document text should be)

Gibberish

(Exemption codes like b1, b2, b7c, ...)

Exemptions are often misused

- Some exemptions are questionable. Their use doesn't really hold up under knowledgeable scrutiny. **Be skeptical.**
- When it comes to FOIA, bless their hearts, **Agencies inadvertently make errors. A lot.**

The three exemptions most misused

- **Exemption b(1)** – currently and properly classified **national security information**
- **Exemption b(2)** – internal materials
- **Exemption b(5)** – legally **privileged material**; usually the “deliberative process privilege”

Be especially skeptical of these.

What can you do?

- Send an appeal letter
 - Google “foia appeal” for more info
- The denial letter should tell you where to send your appeal
- Appeals are often successful if you explain where the Agency went wrong

Good news: presumption of disclosure

2000 - 2008



President Bush and Attorney General Ashcroft ordered agencies to:

- use FOIA exemptions aggressively to **withhold** material

2009 -

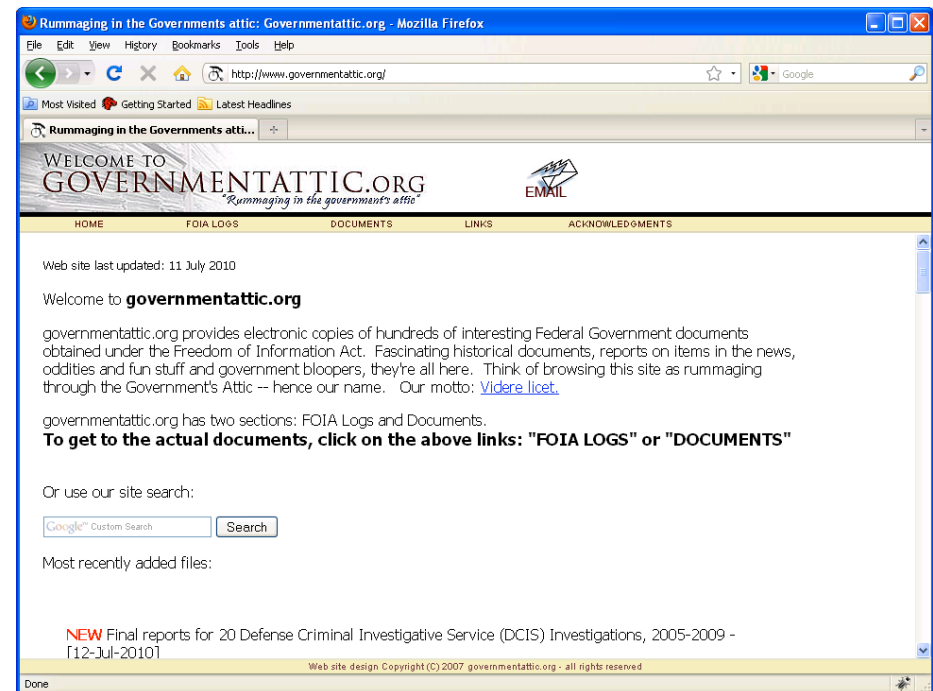


President Obama and Attorney General Holder ordered agencies to:

- release** as much as possible
- presume release** when in doubt
- release even exempt material if there is “**no foreseeable harm**”

Five examples from GovernmentAttic.Org

- Non-commercial web site founded in 2007
- Has filed numerous FOIA requests
- As a public service, posts documents that aren't available anywhere else
- Shy people but agreed to be interviewed



FBI Confidential File Room Dossier

- Collection of memos identifying **FBI files so sensitive that they had to be stored in a special file room**
- 1950 – 1972
- Serves as a roadmap to historically significant FBI files
- Shows the tension between the need to isolate certain files but still be able to use them – this problem still exists in the electronic age
- Documents that describe interesting documents
 - Permits requests for particular files of interest – by file number!

FBI Confidential File Room Dossier

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BEEMONT
DATE: August 1, 1952

FROM : MR. W. A. BRANIGAN

SUBJECT: CONFIDENTIAL FILES MAINTAINED
IN ROOM 6527
Bureau file 66-new
Confidential File Room

PURPOSE

To recommend that the file entitled, "Smuggling of Atomic Bombs or Parts thereof and Other Weapons of Mass Destruction into the United States," Bureau file 117-268 be maintained with the confidential files in Room 6527.

DETAILS

The file on "Smuggling of Atomic Bombs or Parts thereof and Other Weapons of Mass Destruction into the United States," contains highly classified information including restricted data under the provisions of the Atomic Energy Act regarding United States developments in the field of atomic weapons and estimates of Soviet development in the field of atomic weapons, together with suggested countermeasures.

ACTION

Because of the grave importance of the contents of this file to our national security, it is recommended that it be maintained with maximum security in the confidential files in Room 6527 and its contents be made available only on a strictly "need-to-know" basis.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/10/00 BY SP4/STH/DM
#946742/950935/997059

RECORDED - 57
AUG 5 1952
17

cc-117-268
LW:ewf
5-6-1952

The file on "Smuggling of Atomic Bombs or Parts thereof and Other Weapons of Mass Destruction into the United States," contains highly classified information ... regarding United States developments in the field of atomic weapons and estimates of Soviet developments in the field of atomic weapons, together with suggested countermeasures."


-- August 1, 1952

(And you thought the term "Weapon of Mass Destruction" was something President Bush came up with!)

The FBI's High Visibility Memos

- Produced whenever the FBI handled a FOIA request about a notable person
- The memos point to a number of notable files
- GovernmentAttic webmasters asked for them after seeing mention of “high vis files” in another document
- Another example of documents that describe interesting documents

The FBI's High Visibility Memos

Memorandum			<small>Exec AD Adm. _____ Exec AD Inv. _____ Exec AD LES _____ Asst. Dir. _____ Adm. Serv. _____ Crim. Inv. _____ Ident. _____ Intell. _____ Laboratory _____ Legal Coun. _____ Plan. & Insp. _____ Rec. Mgmt. _____ Tech. Serv. _____ Training _____ Off. of Cong. & Public Affs. _____ Telephone Rm. _____ Director's Sec'y _____</small>
<hr/>			
To :	Mr. Finzel	Date	5/15/81
From :	J. K. Hall		
Subject :	FOIA REQUEST OF SEVERAL INDIVIDUALS FOR INFORMATION PERTAINING TO JOHN WINSTON ONO LENNON, DECEASED FORMER MEMBER OF THE BEATLES MUSICAL GROUP		
 <u>PURPOSE:</u>			
To advise of the forthcoming FOIA release of investigative documents to several individuals as a result of FOIA requests for information pertaining to John Winston Ono Lennon.			
 <u>DETAILS:</u>			
Within five days, the FOIPA Section will release, pursuant to several FOIA requests, 82 pages of documents pertaining to John Winston Ono Lennon.			
The bulk of the documents to be released are from a Security Matter - New Left investigatory file. The investi- gation was initiated upon receipt of information that Lennon might engage in activities to disrupt the 1972 Republican National Convention. Additionally, the Bureau conducted a limited inquiry regarding information provided by Lennon to the Immigration and Naturalization Service (INS) in connec- tion with the deportation hearing for Lennon and his wife, Yoko Ono.			
Due to the notoriety of Lennon, publicity may result in view of the nature and scope of the Bureau's investigative activities.			
 <u>RECOMMENDATION:</u>			
None. For information.			
 1 - Mr. Colwell 1 - Mr. Finzel 1 - Mr. Young 1 - Mr. Bresson 1 - Mr. Hall 1 - Mr. [redacted] b6 1 - Mr. [redacted] b7C 1 - Mr. [redacted]			
NS/mdr (9)			

FBI/DOJ

John Winston Ono Lennon, Deceased Former Member of the Beatles Musical Group:

“The bulk of the documents to be released are from a Security Matter – New Left investigatory file. The investigation was initiated upon receipt of information that Lennon might engage in activities to disrupt the 1972 Republican National Convention ...”

-- May 15, 1980

DoD Resale Activities Board of Review

- Established by Congress to review which sexually explicit magazines and videos could be sold or rented on military bases
- An example of where government and free speech collide
- The Board's meeting minutes and agendas and decisions were requested

It's a dirty job, but somebody's got to do it ...

The Board met six times during the period July 29, 1998, through September 30, 1998, and reviewed 279 periodicals, 58 films or video recordings, and five audio recordings. Copies of meeting minutes are at Appendix D. The Board submitted two reports to the Acting Assistant Secretary of Defense for Force Management Policy. Copies of memoranda from the Board's Chairman containing results of Board deliberations are at Appendix E.

-- DoD Resale Activities Review Board, 1998, p. 80

And the verdict was ...

Verboten!



... and about 160 others

OK!



... and about 10 others

USAF Entertainment Liaison Office

Weekly Reports

- Army / Navy / Air Force / Marines / Coast Guard all have Hollywood offices (“ELOs”)
- “There must be some sort of **periodic reporting** to show what these guys were doing”
- Got a large number of weekly reports
- A window into the influence DoD has in Hollywood
- Shows how the military builds its brand through the use of movies and television

USAF Entertainment Liaison Office Weekly Reports

Development" and is a division of Ron Howard and Brian Grazer's Imagine Entertainment. Camera crew will attend the Titan IV launch 19 Oct.

C. Other Issues:

-- **Civic Leader Tour.** Itinerary and details arranged for 8-10 Nov. Raptor-focused trip to Edwards AFB, Marietta Lockheed Martin Plant and Tyndall AFB, except airlift -- 4th Air Force at March ARB say they can support, but awaiting aircraft type and details. Sent out third round of approx. 70 invitations.

-- **Edwards Air Show** -- Sent Air Force Flight Test Center Protocol approximately 15 industry names for invites to Edwards' Air Show and Open House 22-23 Oct. Worked with AFFTC Protocol to send approx 15 invitations to Tony Shaloub, and other cast/crew from "Monk" that had expressed interest in coming during filming there.

-- **Air Force Entertainment Industry Liaison Board:** Meeting set for 13 October. Three members have RSVPd attendance and one other can not come that day, but will stop by for an office call at another date.

-- **JCOC and NSF nominations** -- Working with PANC on 2006 JCOC and NSF nominations.

D. Closed Projects:

-- **Gumball 3000** -- Edwards AFB PA referred a producer whose project involves music and entertainment stars going on a "Cannoball-like" race from Las Vegas to Los Angeles. They asked if they could "race" on Edwards runways. According to the producer, the event would be on MTV and maybe made into a feature. **SAF/PAYE declined support as not enough AF involvement to warrant it at this time, plus the race plans to end at Playboy mansion.**

6. PERSONNEL ISSUES (leave, TDY) (PAY-E)

Quarterly Awards:
OPR/EPR/Awards & Decs Status: (PAYE)

"Gumball 3000 -- Edwards AFB PA referred a producer whose project involves music and entertainment stars going on a "Cannoball-like" race from Las Vegas to Los Angeles. They asked if they could "race" on Edwards runways. According to the producer the event would be on MTV and made into a feature. **SAF/PAYE declined support as not enough AF involvement to warrant it at this time, plus the race plans to end at a Playboy mansion.**"

-- October 11, 2005

FEMA's RAMP Database

- The Federal Emergency Management Agency keeps a set of lessons learned
- RAMP: Remedial Action Management Program
- Shows what worked and what failed
- Everything from Space Shuttle Challenger accident to floods/disasters/hurricanes/tornados
- GA got a printout of the database after asking for the lessons learned on a flood, seeing a mention of RAMP, and asking for the RAMP database

FEMA's RAMP Database

One of thousands of suggestions for operational improvement:

- “In support of recent hurricanes, CR's primary function is to hand out flyers to victims. If I were a disaster victim without phone, electricity or some means to get to a disaster center etc. and received a flyer informing me of this information, I would be infuriated.” (Item 1604-I-12, 4/5/2006)

Some examples of items the GA dudes requested

Documents pointing to other documents

- FOIA Case Logs – lists of FOIA requests
- Contents of Agency INTRANet sites
- List of Inspector General closed investigations
- List of agency videotapes
- List/Copies of TSA Emergency Amendments

Agency self-identified interesting documents

- List of oldest still-classified documents at an agency
- List of restricted opinions (GAO)
- Reports of an Agency to Congress not posted online

More things they FOIAed ...

“Peek behind the scenes”

- Contents of FOIA Tracking Folders
- Internal Agency newsletters
- Correspondence with Members of Congress
- Articles from NSA Technical Journals
- NORAD 9/11 Air Defense recordings
- Agency Memoranda of Understanding (MOU/MOA)

Popular culture

- Lists of movies/books on the Space Station
- Complaints to the FCC about TV shows

Databases are fair game under FOIA

- FOIA applies to electronic records and databases
- Asking for digital data reduces copying/search costs
- Also makes it easier to share on the Internet
- Discussing **selection of database fields** with agency IT folks can help overcome agency objections

FOIA + database + web = cool website



The screenshot shows a Mozilla Firefox browser window with the title "Air Force History Index - Mozilla Firefox". The address bar displays "http://www.airforcehistoryindex.org/". The website's main heading is "AIR FORCE HISTORY INDEX.ORG" in large, bold, black letters. Below this, a blue banner reads "Search 550,000 historical Air Force documents!". To the left of the search area is a small image of a military aircraft with a heart-shaped logo. The search section includes a text input field with the placeholder "Type your search terms below:", a "Search" button, and examples: "eighth air force" or "lemay" or "broken arrow". A link for "Advanced search" is also present. The main text block states: "The United States [Air Force Historical Research Agency](#) maintains hundreds of thousands of historically significant U.S. Air Force documents representing some 70 million pages of interest to historians, researchers, and Air Force buffs. These include unit histories, special studies, personal papers, end-of-tour reports, oral histories, interview transcripts, and more." It then emphasizes: "Now an index of 550,000 of these documents -- representing records held by AFHRA up to 2001 -- is searchable on the web! Just type your search terms above, or click on one of the links below for more information." A paragraph follows describing the Air Force Historical Research Agency's mission. At the bottom, a navigation bar contains links: "Search tips", "Obtaining documents", "FAQ", and "Other resources". A footer section contains a disclaimer: "The fine print: This site is not affiliated with the United States Air Force or the Air Force Historical Research Agency. It was created by private citizens using publicly available information. If you have questions, please consult our [FAQ](#) or feel free to [email us](#). Aircraft nose cone art images courtesy of the [National Park Service](#)." To the right of the disclaimer is a "Powered by Swish-e" logo. The browser's status bar at the bottom shows the URL "http://www.npswapa.org/gallery/album35/longpage40ph2".

AIR FORCE HISTORY INDEX.ORG

Search 550,000 historical Air Force documents!

Type your search terms below:

Examples: "eighth air force" or "lemay" or "broken arrow" [Advanced search](#)

The United States [Air Force Historical Research Agency](#) maintains hundreds of thousands of historically significant U.S. Air Force documents representing some 70 million pages of interest to historians, researchers, and Air Force buffs. These include unit histories, special studies, personal papers, end-of-tour reports, oral histories, interview transcripts, and more.

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The Air Force Historical Research Agency is a national treasure whose dedicated staff preserves the important history of the United States Air Force and its predecessors. The U.S. military fully recognizes the strategic value of documenting and teaching [lessons learned](#) and operational analysis. AFHRA helps preserve the hard-won information contained in pages of historical records and in volumes of oral histories. Beyond that, support provided by AFHRA regularly helps today's Air Force accomplish its missions and operations. AFHRA also commemorates the individuals and military units that in some cases were called upon to achieve the impossible because it needed to be done.

This web site is dedicated to the hard-working staff, present and former, of the Air Force Historical Research Agency, who help history come alive.

[Search tips](#) [Obtaining documents](#) [FAQ](#) [Other resources](#)

The fine print: This site is not affiliated with the United States Air Force or the Air Force Historical Research Agency. It was created by private citizens using publicly available information. If you have questions, please consult our [FAQ](#) or feel free to [email us](#). Aircraft nose cone art images courtesy of the [National Park Service](#).

Powered by Swish-e

<http://www.npswapa.org/gallery/album35/longpage40ph2>

Problem: where's the interesting stuff?

- It's tough for an individual to know where the interesting stuff is ...
 - Or how to ask for it, even if you know it's there
- Agencies have no incentive to tell a requester where the interesting stuff is
 - Or what magic words to use to retrieve it

Solution: get them to tell you

- The GA muchachos have adopted the general technique of submitting queries *that spur the **agency itself** to signal where its own interesting stuff is*

Examples:

- Identifying restricted or unpublished reports
- Looking for “missing” report or file numbers
- Looking at what historical records are still classified
- Focusing on material withheld by the agency
- Seeking “documents that identify other documents”

Places you can go for more information

- nsarchive.org
- GetMyFBIfile.com
- GetGrandpasFBIfile.com
- OpenTheGovernment.org
- FOI-L listserv archives
- GovernmentAttic.org

A parting challenge

- Take 30 seconds to think about something you're curious about – a recent news story, or whatever
- Figure out which government agency might have something to do with it
- Guess what likely documents they might have
- Request them! Today!
- Thank you notes are always a good idea
- Post your experiences on the HOPE Forum!

Appendix

Priorities of a Typical FOIA Office

- Minimize administrative hassle
- Rebuff PITA requests
- Minimize agency embarrassment/hassle
- Not give up agency “property” (we built it – why should they get it for free?)
- Not release sensitive documents
- Protect the public treasury
- Whittle away the backlog of requests

Priorities of a Typical FOIA Requester

- Obtain interesting/useful records (high relevancy)
- At minimum cost or fees (low system processing)
- And get them reasonably quickly (low latency)