



governmentattic.org

"Rummaging in the government's attic"

Description of document: Office of the Secretary of Defense (DoD) Meeting Minutes of the Resale Activities Board of Review, 2000-2020

Requested date: 01-November-2021

Release date: 09-February-2022

Posted date: 16-January-2024

Source of document: FOIA Request
Defense Freedom of Information Division
1155 Defense Pentagon
Washington, DC 20301-1155

The governmentattic.org web site ("the site") is a First Amendment free speech web site and is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.



**DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION DIVISION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

Ref: 22-F-0193
February 9, 2022

This is a final response to your November 1, 2021 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. We received your request on November 15, 2021, and assigned it FOIA case number 22-F-0193. We ask that you use this number when referring to your request.

The Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), a component of the Office of the Secretary of Defense, conducted a search of their records systems and located 14 pages determined to be responsive to your request. Ms. Patricia M. Barron, Deputy Assistant Secretary of Defense for Military Community and Family Policy, OUSD(P&R) and Mr. Dave P. Bennett, Director, Office of Information Counsel, Department of Defense Office of General Counsel, in their capacities as an Initial Denial Authorities (IDAs) have determined that portions of the 14 responsive pages are exempt from release pursuant to 5 U.S.C. § 552 (b)(5), which pertains to inter- and intra-agency information of a pre-decisional, deliberative nature which, if released, could reasonably be expected to interfere with the government's deliberative process; and 5 U.S.C. § 552 (b)(6), as disclosure of the information would constitute a clearly unwarranted invasion of the personal privacy of individuals.

Please note, after further coordination we have been advised there is no record or evidence suggesting any meetings were held in years 2000 through 2005 or 2009.

In this instance, fees for processing your request were below the threshold for requiring payment. Please note that fees may be assessed on future requests.

If you have any questions or concerns about the foregoing or about the processing of your request, please do not hesitate to contact the Action Officer assigned to your request, Michael Coen at Michael.e.coen2.civ@mail.mil or 571-372-0413. Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Tonya R. Fuentes, at 571-372-0462 or by email at OSD.FOIALiaison@mail.mil, or the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

You have the right to appeal to the appellate authority, Ms. Joo Chung, Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, by writing directly to the following address: 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox# 24, Alexandria, VA 22350-1700.

Your appeal must be postmarked within 90 calendar days of the date of this response. Alternatively, you may email your appeal to osd.foia-appeal@mail.mil. If you use email, please include the words "FOIA Appeal" in the subject of the email. Please also reference FOIA case number 22-F-0193 in any appeal correspondence.

We appreciate your patience in the processing of your request. As stated previously, please contact the Action Officer assigned to your request, Michael Coen, and reference FOIA case number 22-F-0193 if you have any questions or concerns.

Sincerely,

Stephen L. Fisher
Stephanie L. Carr
For Chief

Enclosures:
As stated



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(MANPOWER AND RESERVE AFFAIRS)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

OCT 17 2006

MEMORANDUM FOR PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE
(PERSONNEL AND READINESS)

SUBJECT: Results of the May 6, 2006 DoD Resale Activities Board of Review

The DoD Resale Activities Board of Review (the Board) convened on May 6, 2006, to review materials currently sold or proposed for sale by the military exchanges to determine if the materials were sexually explicit as defined by DODI 4105.70, "Sale or Rental of Sexually Explicit Material on DoD Property" (the Instruction).

The Board was called into session with seven of eight members in attendance (see Attachment 1). The meeting began with a discussion regarding the nature of the subject matter and the need for open and candid dialogue. Board members were reminded that any communication with third parties outside of DoD concerning the Board's deliberations shall be coordinated with the Office of the Assistant Secretary of Defense (Public Affairs) and the DoD Office of General Counsel.

The first item was a briefing by (b)(6) and (b)(6) from DoD OGC concerning the (b)(5) stated in the Instruction. After the briefing and a detailed discussion the Board members confirmed that they had a clear understanding of the (b)(5). The Board then reviewed the entire Instruction to ensure that members understood the Board's responsibilities.

The Board reviewed eighteen magazines titles, fifteen of which the Board determined to be sexually explicit. The Board determined that three of the magazines were not sexually explicit; these include Penthouse and Playgirl, which the previous Board had determined to be sexually explicit. The Board reversed the previous decision based on revised formats and content of Penthouse and Playgirl.

The Board also reviewed three Playboy videos that it determined were not sexually explicit, and three interactive DVDs by a company named "Peach," which the Board found to be sexually explicit. In reviewing the three Peach DVDs, the Board unanimously agreed to consider them as a single title, not as three separate titles. Consequently, all Peach DVDs shall be considered sexually explicit unless the Board specifically exempts them. A list of the Board's findings is at Attachment 2.

Deliberations concluded with a discussion of the exchanges' responsibility for forwarding to the Board all sexually oriented material submitted by vendors to the exchanges for resale consideration. The Board will reconvene as the volume of material warrants.

(b)(6)

A rectangular box with a black border and a light gray fill, used to redact the signature of the Chairman.

Chairman, DoD Resale Activities
Board of Review

Attachments:

As stated

CC:

Board of Review members

DoD Resale Activities Board of Review

Chairman (b)(6)

<u>Department</u>	<u>Member</u>	<u>Organization/Email</u>
Army	(b)(6)	OASA(M&RA), MWR & Family Prog (b)(6)
Navy	(b)(6)	OASN (M&RA), Personnel Readiness Community Support (b)(6)
Air Force	(b)(6)	ODASAF (FMI) (b)(6)

<u>Exchange Service</u>	<u>Member</u>	
AAFES	(b)(6)	(b)(6) (Absent May 6)
	(b)(6)	
NEXCOM	(b)(6)	
MCX	(b)(6)	

Results of the May 6, 2006 DoD Resale Activities Board of Review

Adult Sophisticate magazines that were determined to be sexually explicit:

- | | |
|------------------|------------------------|
| 1. Booty Licious | 10. Velvet |
| 2. Genesis | 11. Score |
| 3. Leg Sex | 12. Voluptuous |
| 4. OUI | 13. OW |
| 5. Swank | 14. Club International |
| 6. Gent | 15. Juggs |
| 7. Hustler | |
| 8. Club | |
| 9. Black Tail | |

Adult Sophisticate magazines that were determined not to be sexually explicit:

1. Ultra for Men
2. Playgirl
3. Penthouse

Videos that were determined to be sexually explicit:

Peach DVD Video production of:

- Jenna's Dream Dates
- Armed and Dangerous
- The Luckiest Bachelor on Earth

The Board determined that "Peach Video DVD's" shall be considered as a single title not as separate titles. Therefore, all Peach Video DVDs shall be considered sexually explicit unless specifically exempted by the Board.

Videos that were determined **not to be** sexually explicit:

1. Playboy's Hottest Housewives
2. Playboy's Video Centerfold Playmate of the Year 2005
3. Playboy Playmate DVD Calendar Collection 2000-2005



OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

February 13, 2008

MEMORANDUM FOR COMMANDER, ARMY AND AIR FORCE EXCHANGE SERVICE
COMMANDER, NAVY EXCHANGE COMMAND
DIRECTOR, MARINE CORPS, PERSONAL AND FAMILY
READINESS DIVISION

SUBJECT: Results of the November 26, 2007, DoD Resale Activities Board of Review

The DoD Resale Activities Board of Review (the Board) convened on November 26, 2007, to review materials proposed for sale by the military exchanges to determine if the materials were sexually explicit as defined in the Military Honor and Decency Act, 10 U.S.C. 2495b (the Act) and DoDI 4105.70, "Sale or Rental of Sexually Explicit Material on DoD Property," (the Instruction).

The Board was called into session with all eight members in attendance. The chairman announced that EURPAC Service, Inc., a private entity, had requested that the Board review 87 movies that they intended to offer for sale in exchanges, but subsequently withdrew the request. The members discussed the need for a process to condense the number of proposed titles in that case, since there would not be enough shelf space to sell such a large quantity of movies, assuming they would be deemed not sexually explicit. The Board decided that, pursuant to paragraph 6.4 of the Instruction, the Board would review only those materials submitted by purchasing agents or managers of DoD retail outlets or their supervisors after the exchanges make a business case decision on the specific titles that they could reasonably display in their facilities, and refer those titles to the Board for review.

The DoD Office of General Counsel provided guidance concerning

(b)(5)

(b)(5)

then explained the voting procedures, and the review process began.

The Board was presented with 23 magazine titles to review. However, the Board had determined that four of those titles were sexually explicit at its May 2006 meeting. Therefore, pursuant to paragraph 6.6 of the Instruction, the Board may not review these titles prior to May 2011 unless there are substantive changes in the publication standards. As this was not the case, the Board reviewed the remaining 19 titles and found ten to be sexually explicit and the remaining nine not to be sexually explicit. The Board's findings are attached.

SUBJECT: Results of the November 26, 2007, DoD Resale Activities Board of Review

The Board will reconvene in 2008 to review those materials previously approved by the Board more than five years ago.

Please distribute these results to purchasing agents and managers of retail outlets.

(b)(6)



Board of Review

Attachment:
As Stated

cc: Office of Resale Activities & NAF Policy, Military Community and Family

RESULTS OF THE 2007 DOD RESALE ACTIVITIES BOARD OF REVIEW

Adult Sophisticate magazines not reviewed due to no substantive changes since previous review in 2006 which found them **to be sexually explicit**:

1. Hustler
2. Club
3. Swank
4. Score

Adult Sophisticate magazines that were determined **to be sexually explicit**:

1. Hawk
2. Fox
3. Fox Double Issue
4. Gallery
5. Best of Gallery
6. Cheri
7. Best of Cheri
8. High Society
9. Very Best of High Society
10. Nasty Housewives

Adult Sophisticate magazines that were determined **not to be sexually explicit**:

1. Vixen by Playboy
2. Playboy Hotshots
3. Curves
4. Playboy's Hottest Nudes 2008 Calendar

German Language magazines that were determined **not to be sexually explicit**:

1. Men's Health
2. Maxim
3. Playboy
4. Matador
5. FHM

DOD RESALE ACTIVITIES BOARD OF REVIEW MEMBERSHIP

CHAIR - ARMY (b)(6)

<u>DEPARTMENT</u>	<u>MEMBER</u>	<u>ORGANIZATION</u>
Army	Colonel	OASA(M&RA)
Navy	DoD Civilian	OASN(M&RA)
Air Force	Lieutenant Colonel	SAF/MRM

<u>EXCHANGE SERVICE</u>	<u>MEMBER</u>
AAFES	2 Command Representatives
NEXCOM	Command Representative
MCX	Command Representative



OFFICE OF THE UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

April 28, 2008

MEMORANDUM FOR COMMANDER, ARMY AND AIR FORCE EXCHANGE SERVICE
COMMANDER, NAVY EXCHANGE SERVICE COMMAND
DIRECTOR, MARINE CORPS, PERSONAL AND FAMILY
READINESS DIVISION

SUBJECT: Results of the February 28, 2008, DoD Resale Activities Board of Review

The Principal Deputy Under Secretary of Defense for Personnel and Readiness requested that the DoD Resale Activities Board of Review (the Board) review all materials that were reviewed more than five years ago and that were found to be not sexually explicit. The Board convened on February 28, 2008, to review these materials to determine if any of these materials were sexually explicit as defined in the Military Honor and Decency Act, 10 U.S.C. 2495b (the Act) and DoDI 4105.70, "Sale or Rental of Sexually Explicit Material on DoD Property," (the Instruction).

The chairman announced that the Board would review 24 periodicals and one DVD that had previously been approved by the Board in 1998, to ensure that these materials were not sexually explicit.

(b)(5)

(b)(5)

The chairman then explained the voting procedures, and the review process began.

As reflected in the attachment, the Board was presented with 24 magazine titles to review, and found one to be sexually explicit and the remaining 23 not to be sexually explicit. The material listed at TAB A as sexually explicit may not be sold or rented on military installations. The Board then reviewed one movie and determined it not to be sexually explicit. The Board also concluded that three magazines contained no theme that could be viewed as sexually explicit and determined that they no longer needed to be reviewed absent some indication of a change in content including sexually explicit material. The Board will reconvene as the volume of material warrants.

SUBJECT: Results of the February 28, 2008, DoD Resale Activities Board of Review

Please distribute these results to purchasing agents and managers of retail outlets.

(b)(6)



Board of Review

Attachment:
As Stated

cc: Office of Resale Activities & NAF Policy, Military Community and Family Policy

RESULTS OF THE FEBRUARY 2008 DOD RESALE ACTIVITIES BOARD OF
REVIEW

Adult Sophisticate magazine that was determined **to be sexually explicit:**

1. Hustler Humor

Adult Sophisticate magazines that were determined **not to be sexually explicit:**

1. Biker
2. Celebrity Skin
3. Celebrity Sleuth
4. Easyriders
5. International Tattoo Art
6. In the Wind
7. Lingerie, Playboy's Book of
8. Outlaw Biker, Daytona
9. Playboy
10. Playboy's 1080-7217 Series
11. Playboy's 1082-4650 Series
12. Playboy's 1091-7276 Series
13. Playboy Playmate Calendar
14. Savage
15. Skin & Ink
16. Skin Art
17. Tattoo
18. Tattoo Flash
19. Tattoo Revue
20. V-Twin

Adult Sophisticate magazines that were determined **not to be sexually explicit and not to need review absent some indication of a change in content including sexually explicit material:**

1. Cosmopolitan
2. Details
3. Esquire

DVD that was determined **not to be sexually explicit:**

1. 2008 Video Playmate Calendar



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

JUL 29 2010

MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: DoD Resale Activities Board of Review May 2010 Meeting
Recommendations

Pursuant to 10 U.S.C. 2495b, the Board makes recommendations to the Secretary of Defense regarding whether material sold or rented, or proposed for sale or rental, on property under the jurisdiction of the Department of Defense is sexually explicit and thus barred from sale or rental. I am forwarding the Board's recommendations, which I have approved.

(b)(6)

Lynn C. Simpson
Director, Human Capital and Resource
Management
Performing the Duties of the
Principal Deputy Under Secretary of Defense
(Personnel and Readiness)

Attachment:
As stated



The Board met on May 11, 2010, to review material not previously reviewed. The Board chose not to reconsider any materials previously reviewed and approved.

The Board made the following recommendations:

The following material is not sexually explicit:

American Curves
Front
Loaded
Nuts

The following material is sexually explicit:

40+
Girls Gone Wild (includes accompanying DVD)