



governmentattic.org

"Rummaging in the government's attic"

Description of document: Administrative Notes Regarding Handling of a FOIA Request for the Department of Justice (DOJ) Five-Year Interagency Counterterrorism and Technology Crime Plan, 2004-2008

Released date: 06-June-2012

Posted date: 29-October-2012

Source of document: Chief of Staff
Office of Information Policy
Department of Justice
Suite 11050
1425 New York Avenue, NW
Washington, D.C. 20530-0001
DOJ.OIP.Initial.Requests@usdoj.gov

The governmentattic.org web site ("the site") 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.



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

JUN -6 2012

Re: OIP/10-R0247
CLM:DRH:GEB

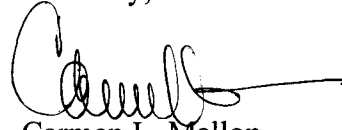
This our final response to your Freedom of Information Act (FOIA) request dated December 2, 2009, and received in this Office on December 15, 2009, requesting the administrative file for Office of Information Policy (OIP) FOIA request numbered AG/05-R0091. This response is made on behalf of OIP.

On April 19, 2012, Douglas Hibbard of this Office contacted you via an e-mail message and advised you that request AG/05-R0091 concerned a copy of the Five-Year Interagency Counterterrorism and Technology Crime Plan (Crime Plan). Mr. Hibbard also advised that the Crime Plan, as released in response to AG/05-R0091, is publicly available on the Department's website at: <http://www.justice.gov/oip/docs/crime-plan.pdf>. Mr. Hibbard also inquired into your interest in: (1) working copies of the Crime Plan, (2) consultation memoranda with other federal agencies and their responses thereto, and (3) background research conducted concerning the Crime Plan. With regard to category (2), please be advised the administrative file you have requested includes extensive inter-agency coordination and thus to process these standard consultation memoranda would require document referrals to approximately sixteen other Department components and federal agencies. Because we have not heard from you regarding your interest in this material, we have not processed it. If you would like us to process this material, please let us know and we will process this information.

Also, by letter dated January 5, 2010, you were advised that we had located records responsive to your request and needed to consult with other Department components prior to making a determination. Our consultations are now complete. Thirty-three pages of material subject to the FOIA were located that are responsive to your request. I have determined that twenty-one pages of material are appropriate for release without excision and copies are enclosed. I have also determined that twelve pages of material are appropriate for release with excisions made pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552(b)(5), (6). Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Although additional portions of this material could be withheld pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), I have determined in this instance that such material may be disclosed as a matter of agency discretion.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001. Your appeal must be received within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Mallon', with a long horizontal flourish extending to the right.

Carmen L. Mallon
Chief of Staff

Enclosures



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

Mr. Thomas R. Hart

SEP 25 2008

FINAL RESPONSE

FOIA Exemption
b(6)

Re: AG/05-R0091
CLM:VRB:DRH

Dear Mr. Hart:

This is our final response to your Freedom of Information Act (FOIA) request dated September 26, 2004, and received in this Office on October 26, 2004, in which you requested a report released in 1998 concerning potential terrorist threats against the United States. This response is being made on behalf of the Office of the Attorney General.

Pursuant to your conversation with Douglas Hibbard of this Office on August 1, 2006, you agreed that your request would be satisfied by receiving a copy of the unclassified version of a September 1999 report entitled "Five-Year Interagency Counterterrorism and Technology Crime Plan."

I have determined that this document is appropriate for release with excisions made on behalf of the Internal Revenue Service and the Federal Bureau of Investigation pursuant to Exemptions 2, 5, 7(A), 7(E), and 7(F) of the FOIA, 5 U.S.C. § 552(b)(2), (5), (7)(A), (7)(E), (7)(F), as noted. Exemption 2 pertains to purely internal agency practices. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemptions 7(A), 7(E), and 7(F) pertain to records or information compiled for law enforcement purposes, the release of which could be reasonably expected to interfere with enforcement proceedings, disclose certain techniques or procedures for law enforcement investigations or prosecutions, and endanger the life or personal safety of an individual.

If you are not satisfied with the action of the Internal Revenue Service, you may administratively appeal by writing to IRS Appeals, Attn: FOIA Appeals, 5045 E. Butler Avenue, M/Stop 55201, Fresno, CA, 93727-5136, within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you are not satisfied with the action of the Federal Bureau of Investigation, you may administratively appeal by writing to the Director, Office of Information and Privacy, United States Department of Justice, 1425 New York Avenue, NW, Suite 11050, Washington, DC 20530-0001, within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Carmen L. Mallon
Chief of Staff

Enclosure

65

7/29/08

55

Melanie -

Here she has
concerns, which
Carmen asked me to
do one final read-through
on before submission
to you.

I know Carmen has
discussed this with you,

and

Carmen mentioned
that, although the

FOIA Exemption b(5)

7/29/08

4/80

Doug -

A couple small tweaks to the letter. After that I'll put a note to Melvin on top and drop it off in his office.

Tom

I'M NOT POSITIVE, BUT
GIVEN THIS IS TOP TEN,
CARMEN MIGHT BE
WILLING TO SIGN INSTEAD
OF WAITING ON MAP'S
RETURN.

CASE NOTES

Douglas R. Hibbard

2005-R0091

AG

Requester: Thomas Hart
Organization: None

Date of Request: 10/12/04
Date of OIP Receipt: 10/26/04
Date of DRH Receipt: 05/23/05

Request for: The 1998 report coordinated by AG Reno concerning domestic and international terrorism (the Five-Year Interagency Counterterrorism and Technology Crime Plan).

Background Notes

- The 1998 Appropriations Act for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies directed the Attorney General, in consultation with other pertinent agencies, to develop a Five-Year Interagency Counterterrorism and Technology Crime Plan. The Plan was intended to serve as a baseline strategy for coordination of national policy and operational capabilities to combat terrorism at home and abroad. A classified version of the Plan was sent to Congress on December 30, 1998; the document in this case is an unclassified excerpt of the original Plan.
- Certain excerpts from the classified version of the Plan, dated from February 1999, can be found online at <http://cshs-us.org/excerpt.pdf>.

Processing Notes

10/27/04

- File received and reviewed by Keith Mastromichalis.
- Keith conducted an RMS search to locate the report the requester is seeking.
 - After coming across a control sheet indicating that GAO did a report on terrorism, Keith searched the GAO website and located the name of the report - The Five Year Interagency Counterterrorism and Technology Crime Plan. This Plan, which was coordinated by the AG, is from December 1998 and is classified in part. Keith then searched the DOJ website and did not locate the report in the press room or the FOIA reading room.
- Acknowledgment letter drafted.

10/29/04

- Keith searched Oracle for any cases similar to this one. He located one case that I am processing (Miller, AG/03-R0028). At this time, that case is awaiting FBI

FOIA Exemption b(6)

consultation. As such, he is going to use the document I am already processing in AG/03-R0028 to respond to this case as well.

11/23/04

- Acknowledgment letter signed, **mailed**.

05/23/05

- File received and reviewed by me. The above notes are an abbreviated version of those drafted by Keith. His notes should be referenced for further detail concerning the processing of this case before this date.
- To summarize where this case is to date: I am already processing this document through AG/03-R0028 (Miller) where it is currently out on consult to FBI. Should FBI not suggest a withhold in full on the document, we'll have to do additional consults.

06/21/05

- Through AG/03-R0028, tried to contact [REDACTED] (FBI) about the pending consult, but neither her new phone number nor her old one still reach her.
- Left a message with [REDACTED] (FBI) asking for either an update on the consult or an accurate phone number for [REDACTED].

06/23/05

- Received a call from [REDACTED] (FBI) on behalf of [REDACTED]. As I feared, [REDACTED] is no more and the consult has been assigned to a new analyst. [REDACTED] will contact that person and get back to me Monday.

08/11/05

- Spoke with [REDACTED] (FBI). She confirmed that [REDACTED] is the new analyst for this case. [REDACTED] is out of the office this week, but [REDACTED] will leave a message with her to contact me.

09/21/05

- Received a call from [REDACTED] [REDACTED] [REDACTED], on the document, but she wants to check with her counterterrorism office first.

10/12/05

- Left a message for [REDACTED] (as I do not have a contact number for [REDACTED]) asking for either an update on the consult or a contact number for [REDACTED]. Awaiting callback.

12/20/05

- Left another message for [REDACTED] (as I do not have a contact number for [REDACTED]) asking for either an update on the consult or a contact number for [REDACTED]. Awaiting callback.

FOIA Exemption b(6)

03/01/06

- Left another message for [REDACTED] (as I do not have a contact number for [REDACTED]) asking for either an update on the consult or a contact number for [REDACTED]. Awaiting callback.

FOIA Exemption b(6)

03/06/06

- Received a message from [REDACTED] informing me that [REDACTED] is no longer with FBI FOIA, and that I should inquire with [REDACTED] about the fate of this consult. However, [REDACTED] did say that this case was closed out on September 27, 2005.

03/07/06

- Spoke with [REDACTED] about the consult. She informed me that the FBI had closed out the case on September 27, 2005. As I never received a copy of their consult response, I asked that it be sent again.

04/05/06

- Received a call from [REDACTED] who inquires as to whether I am still in need of a copy of the FBI's consult response. I assured her that I am, and she promised to send it my way.

FOIA Exemption b(6)

04/10/06

- Received an FBI consult response of sorts. Upon review, the document they sent back with the response package is not the document we sent to them for consultation. Discussed this with Carmen and she suggested I contact [REDACTED] (FBI) and try to figure this all out.
- Left a message with [REDACTED] looking for some help. Awaiting callback.

FOIA Exemption b(6)

04/11/06

- Spoke with [REDACTED] (FBI) who asked that I send the entire consult package directly to her for review.

04/12/06

- Original FBI consult package resent to FBI.

05/17/06

- ✓ • Received FBI consult response. The FBI has suggested some redactions but did not suggest a withhold in full, as such, further consultations will be needed in this case. See file.

07/21/06

- As a side note, AG/03-R0028 is closed out as the requester failed to indicate her further interest in the request.

07/24/06

- Discussed this case with Marilyn and decided, given the amount of time that has

already passed and the amount of additional time it will take to complete all necessary consultations, we decided that would try to contact the requester by phone to inquire about his continued interest.

- Left a message with the requester inquiring about his continued interest in this request and asking that he contact me to discuss. Awaiting callback.

08/01/06

- Received a call back from the requester. After first confirming his continued interest in this request, we discussed the document currently being processed as it does not appear to be an exact match to the "73-page interagency report" mentioned in his request letter. He was satisfied that the document being processed will satisfy his request. As to the time it will take to complete all required consults, the requester was made aware of the need for consultation and expressed no concerns about the length of time they may take.
- As of today, the status of this case is as such:
 - FBI consult already conducted via AG/03-R0028. FBI recommends several excisions via (b)2 and (b)5.
 - ✓ OJP consult already conducted via AG/03-R0028. OJP has no objection to a full release.
 - ✍ JMD consult already conducted via AG/03-R0028. JMD defers to the FBI and OJP with regards to disclosure.
 - Consults still need to be initiated with Defense, State, Treasury, CIA, FEMA, Homeland Security, Energy, NRC, Commerce, EPA, NSC, ATF, Coast Guard, EOUSA and Health and Human Services.
- Transferred FBI, OJP and JMD consult packages and responses from AG/03-R0028 to this case.

08/09/06

- DOD, State, Treasury, CIA, FEMA, DHHS, Energy, NRC, Commerce, EPA, NSC, ATF, Coast Guard, EOUSA and DHS consult memos drafted, to Tricia.

09/11/06

- Received from Tele a request he has received from this same requester in which it appears that Mr. Hart is asking for the same records (AG/06-R0886). As I am already processing this request, AG/06-R0886 has been transferred to me.

09/14/06

- Spoke with the requester who confirmed that AG/06-R0886 can be considered a duplicate of this case. AG/06-R0886 closed administratively.

12/07/06

- DOD, State, Treasury, CIA, FEMA, DHHS, Energy, NRC, Commerce, EPA, NSC, ATF, Coast Guard, EOUSA and DHS consult memos signed, **mailed**.

12/12/06

- ✓• Received ATF consult response. See file.

✓ 01/09/07

- Received NRC consult response. See file.

✓ 01/12/07

- Received EOUSA consult response. In actuality, EOUSA processed the document themselves, withheld it in full (b)2 and (b)5, and notified the requester of such. See file.
- Discussed with Vanessa how to proceed given EOUSA's actions. [REDACTED]

- Left a message with [REDACTED] (EOUSA) asking for a callback. FOIA Exemption b(5)

FOIA Exemption b(6)

01/17/07

- ✓ • Received EPA consult response. See file.
- Received DHS consult response indicating that they have forwarded the document on to the Secret Service, FEMA, the Under Secretary for Preparedness, the Under Secretary for Science and Technology, the Office of Operations Coordination, and the Office of Intelligence and Analysis for review and direct response to us. See file.
- Spoke with William Stewart (EOUSA) about their consult response. [REDACTED]

FOIA
Exemptions
b(5) and (6)

FOIA Exemption b(5)

[REDACTED] However, we agreed to not cancel the remaining consults until Carmen signs the final response letter just in case there is another change in strategy.

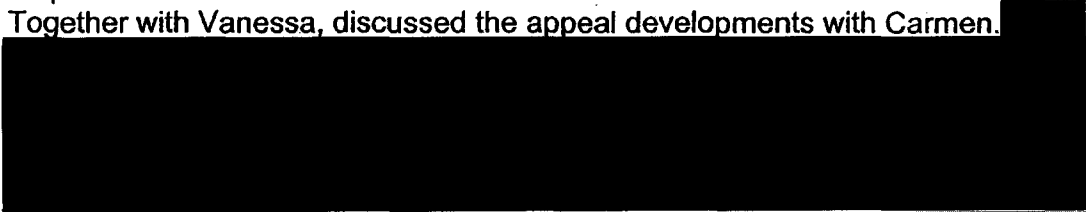
01/18/07

- Final response letter drafted, to Vanessa.

02/08/07

- ✓ Received what may be the consult response from the Coast Guard. However, their "response" is really just our consultation package returned to us with no information indicating their determination.

02/21/07

- Talked to Sean O'Neill who is processing an appeal of EOUSA's response from the requester. There is some question as to (1) should we accept EOUSA's withhold in full recommendation and (2) whether or not EOUSA should retract their response to the requester so that we can make the appropriate final response ourselves.
 - Together with Vanessa, discussed the appeal developments with Carmen.
- 

FOIA Exemption b(5)

02/22/07

- Discussed this case with Carmen. She and Melanie have decided that (1) in terms of this request, we will continue to conduct all necessary consults and not make a final determination until they are all completed, and (2) in terms of the appeal, have the requester advised that EOUSA responded to him in error and that he has not received a final response of any sort until he receives one from OIP. As such, there is nothing he can appeal until OIP makes its determination.
- Informed Sean O'Neill about the decision on how to handle the appeal file.
- Left a message with Donald Taylor (USCG) inquiring into their consult response. Awaiting callback.

02/23/07

- ✓ Received DOD consult response. See file.

04/06/07

- ✓ Received NSC consult response. See file.

04/17/07

- ✓ Received Under Secretary for National Protection and Programs/DHS consult response. See file. Unfortunately, I'm not entirely sure what consult memo this response is being made to. I did not send a consult to NPP/DHS myself, and NPP is not listed as any of the entities DHS forwarded the package to on their own regard. See Case Notes for January 17, 2007. NOTE: based on future consult responses, it would seem that this response is being made on behalf of the Under Secretary for Preparedness, as that is the only office that DHS forwarded the consult to that did not directly respond to me.

05/04/07

- ✓ Received Office of Operations Coordination/DHS consult response. See file.

05/21/07

- ✓ Received Secret Service consult response. See file.

06/14/07

- ✓ Received CIA consult response. See file.

08/21/07

- ✓ Received Science and Technology Directorate/DHS consult response. See file.

10/01/07

- ✓ Received Commerce consult response. See file.

01/23/08

- Left a message with Robin Allett (USCG) regarding consult. Awaiting callback.
- Spoke with Energy about the pending consult. Was provided with their tracking number (FOIA-2006-000740), the name of the analyst (Brenda Washington), and her contact number (202-586-0639). Left a message with her asking about the status. Awaiting callback.
- Spoke with State about the pending consult. Was provided with their tracking number (200606213) and advised that it was under "first-tier review," which is their initial stage of processing. I advised that this case will likely be in our Top Ten for this year and that we will need their response before the end of the year.
- Spoke with Cawana Pearson (Treasury) about the pending consult. Was provided with their tracking number (200612048) and advised that it was under review by other Treasury components. I advised that this case will likely be in our Top Ten for this year and that we will need their response before the end of the year. Later received an email from Cawana forwarding previous discussions she had had within Treasury about this request. The email doesn't change the issue at hand any. See file.
- Coincidentally, received a voicemail from the requester asking about the status of his request.

01/24/08

- Spoke with Robin Allett (USCG) who indicated that their operations had been recently split in two. He is continuing to try to track down the document and will get back to me once he learns something. He indicated that he would fast-track the package once he found it. The USCG tracking number is 2007-0449.
- Spoke with Marshall Fields (Treasury) who advised that they recently completed their review and responded to us (their response is probably still in the mail). He added that they also referred the package to IRS for further review and response to us. He will track down and provide IRS contact information for me.
- Left a message with the requester advising him that we are continuing to conduct consultations on the requested document and will respond to him once they have

been completed and a disclosure determination has been made.

01/29/08

- Received Treasury consult response. See file.
- Spoke with Robin Allett (USCG) who indicated that their response was made in January 2007 advising that they have no objection to release. I asked that he fax a copy of that memo to me, which he will do. Received USCG consult response indicating that they have no objection to a full release. See file.

02/04/08

- Left a message with FEMA inquiring about the status of the consult. Awaiting callback.
- Spoke with State about the pending consult. Was advised that it is still under "first-tier review," which is their initial stage of processing. Reminded them that this is a Top Ten case for us.

02/05/08

- Spoke with Frank Reali (DHHS) about the pending consult. He indicated that DHHS mistakenly provided a final response directly to the requester on January 24, 2007, in which they released the document to him without excision. But, this doesn't make sense, because, if the requester was provided with a final response by DHHS last January, then why did he call me inquiring about the status just 13 days ago?

02/07/08

- Spoke with Frank Reali (DHHS). He's going to fax over a copy of their final response to the requester so that I can see exactly what they told him.

02/08/08

- Received an email from Laurie advising of a conversation she had with Wade Straw (Treasury). She indicated that I need to call him back. See file.

02/11/08

- Received a copy of the final response DHHS provided to the requester. They did not release a physical copy of the document to the requester. Instead, they advised him that it can be found on the website for the Center for State Homeland Security at <http://cshs-us.org> CSHS Counterterrorism Reports. The only problem with this is that the link they provided is not correct in that it does not go to any page on the Internet.
- Searched the Center for State Homeland Security website for the copy of the report they claim to have available. Using the term "five-year," I find only a related document (a February 1, 1999 Excerpt of Strategies for Enhancing Federal Support for State and Local Counter-terrorism Efforts from the Five-Year Interagency Counterterrorism and Technology Crime Plan). This document is related to but is not the document of interest in this case.
- Spoke with Frank Reali (DHHS) about their response. He'll have to investigate it further and get back to me.

02/12/08

- Spoke with Wade Straw (Treasury, 202-622-7870). He's trying to figure out exactly what Treasury still needs to do on this request, and he asked that I email a copy of the Treasury consult response memo of December 20, 2007 to him for review. He said that he'll get to the bottom of the entire Treasury issue. Scanned the Treasury consult response memo emailed to Wade Straw at wade.straw@do.treas.gov.

02/25/08

- Spoke with State about the pending consult. It is still under first tier review. They did acknowledge that they know this is a Top Ten case for us.
- Spoke with Wade Straw (Treasury) to see if there are any new developments. He says he's having a FOIA meeting this week at which this issue will be discussed. Ultimately, we decided that it would be easiest if I could just get one memo that would cover all of Treasury, instead of trying to coordinate multiple responses from various Treasury offices. He thought that was a good idea and will try to make it happen.

02/27/08

- Spoke with Pam Carcerari (FEMA FOIA Chief, (202) 646-1909). She'll look into this consult and get back to me.

03/03/08

- Received a call from FEMA advising me that the consult is currently under review with another FEMA component. They will get in touch with that component today to discuss.

03/26/08

- ✓• Received State consult response. See file.

04/18/08

- Spoke with Brenda Washington (Energy) about the pending consult. It is currently under review with their Office of Intelligence. She will check in with them and get back to me.
- Spoke with Frank Reali (DHHS) about the pending consult. He indicated that Frances Wharton is the actual analyst processing this case. He will have her contact me.
- Left a message with Wade Straw (Treasury) about the pending consult. Awaiting callback.
- Left a message with Pam Carcerari (FEMA) about the pending consult. Awaiting callback.

05/15/08

- Received a message from Janice Rudolf (IRS, 202-283-7388) indicating that she feels the Office of the Attorney General should review the document (she must not know that we process for OAG).

05/19/08

- Left a message with Janice Rudolf (IRS) advising her that our Office processes for the Office of the Attorney General.

05/21/08

- Left a message with Pam Carcerari (FEMA) about the pending consult. Awaiting response.
- Left a message with Frances Wharton (DHHS) about the pending consult. She is out of the office until May 27.
- ✓• Spoke with Brenda Washington (Energy). She will fax over their response letter of May 9 (which must still be in the mail).
- Received Energy consult response. See file.

✓ 05/22/08

- Received a voicemail from Pam Carcerari (FEMA). She is no longer with FEMA FOIA but will pass my inquiry on to Alisa Turner, the new FEMA FOIA Chief.
- Received via email the FEMA consult response. See file.
- Spoke with Janice Rudolf (IRS). Advised her that this case is one of our Top Ten. The IRS tracking number is 50-2008-00659. She'll see that it moves along.

05/27/08

- Reviewing all of the consults, only three are outstanding:
 1. IRS - Treasury sent this consult directly to IRS themselves after receiving our consult memo; spoke with Janice Rudolf on May 22;
 2. Health and Human Services - left a message with Frances Wahrton on May 21; she is out of the office until today;
 3. Office of Intelligence and Analysis, Department of Homeland Security - DHS sent this consult directly to OIA themselves after receiving our consult memo.
- The contact information for the Office of Intelligence and Analysis (DHS) provided with the DHS consult response is not correct. Contacted DHS FOIA and was advised that the OIA FOIA contact is Quinton Mason (202-282-9385).
- ✓• Spoke with Quinton Mason (DHS/OIA) about the consult. He indicated that they have previously made their response. He'll email it to me. Received DHS/OIA consult response.
- Spoke with Frances Wharton (DHHS). She will follow up with the office currently reviewing the document and get back to me on Thursday.

06/04/08

- Spoke with Frances Wharton (DHHS). The consult is currently under review with another DHHS component. She will follow up with them today.
- Spoke with Janice Rudolf (IRS). The consult is currently under review with another IRS component. She will follow up with them today, but she advised them of its pressing nature.

06/12/08

- Received IRS consult response via email. See file.
- Spoke with Frances Wharton (DHHS) who indicated that she would be faxing over the consult response today. Received DHHS consult response. See file.

06/16/08

- File to Tom for review of consultation responses and the need (or lack thereof) to conduct an AG concurrence.

06/18/08

- At Tom's suggestion, sent an email to Garry Stewart (EOUSA) advising him that we intend to release the document in part with excisions made on behalf of the FBI and IRS [REDACTED] and giving him the opportunity to review our proposed release before we actually do so. Later received an email from [REDACTED] (EOUSA) who would like to see document before it goes out the door. See file.

FOIA Exemption
b(5)

FOIA Exemption b(6)

06/19/08

- Sent via interoffice mail a copy of the Plan to [REDACTED] (EOUSA) with our planned excisions highlighted. Asked that he review it as soon as possible.

06/24/08

- Received an email from [REDACTED] (EOUSA) [REDACTED] I responded that I would get back to him after discussing it further with those within OIP (meaning Carmen and possibly Melanie).

FOIA Exemption b(6)

06/26/08

- Provided [REDACTED] (EOUSA) email of June 24, 2008 to Carmen for review. She'll discuss with Melanie whether or not [REDACTED]

- Received mailed copy of DHHS consult response. See file.

FOIA Exemption b(6)

06/30/08

- Discussed [REDACTED] email of June 24, 2008 with Carmen (who had discussed it with Melanie). [REDACTED] Instead, based on the content of the document, we will do an AG concurrence accepting only the recommendations of FBI and IRS.
- Sent an email to [REDACTED] (EOUSA) advising him that we intend to release the document in part taking only the excision of the FBI and IRS.
- AG concurrence drafted, to Tom.

FOIA Exemption b(6)

07/07/08

- Carmen has some questions about the validity of the IRS recommended excisions. [REDACTED]

Exemption b(5)

- [REDACTED] She asked that I reach out to my IRS contact for clarification.
Emailed Janice Rudolf (IRS) asking for further clarification on the recommended IRS excisions. See file.

07/21/08

- Back in the office after a week out, have received two phone messages from the requester asking about the status.
- Left a message with the requester advising him that we should be done with the processing of his request no later than the end of September, but most likely sooner than that.

07/22/08

- Carmen discussed this case with Melanie. They decided that we will send up the document on AG concurrence now. [REDACTED]
- [REDACTED] FOIA Exemption b(5)
AG concurrence revised, to Carmen.

07/23/08

- With Carmen going on vacation, she gave the concurrence to Vanessa for review, who will then pass it on to Melanie for signature.

07/31/08

- AG concurrence signed, **mailed**. Note: upon review, Melanie decided that we would take the IRS excisions (see case notes for July 7 and 2, 2008). To be more specific, we are deferring to the FBI and IRS on their information.
- Received a letter from the requester asking about the status. It is dated July 14, 2008. Since I've spoke with the requester on July 21 regarding the status, I feel there is no need to respond to this letter.

09/23/08

- On the assumption that the AG concurrence will return soon with agreement to our proposed redactions, drafted final response letter, to Carmen.

09/24/08

- Received AG concurrence response. See file.

09/25/08

- Final response letter signed, **mailed**.
- **Case closed.**

CASE NOTES

Keith O. Mastromichalis

Requester: Thomas Hart
Requester Organization:
Case Number(s): AG/05-R0091
Date of Request: 10/12/04
OIP Receipt Date: 10/26/04
Received by KOM: 10/27/04

Request Description: Requester wants a copy of a 1998 report coordinated by AG Reno concerning domestic and international terrorism.

10/27/04

- ▶ Case received by KOM.
- ▶ Since the requester stated that this report in question was referenced in the Washington Post in April 1998, I conducted a search of RMS using the key word "terrorism" from 1/1/98 to 12/31/98. I came up with some control sheets that indicated both terrorism and a report that possibly could be the report the requester wants. I came across a control sheet that indicated a GAO report on terrorism. I conducted a search of the GAO website and I located the name of a report that is probably the one in question. The title is the Five Year Interagency Counterterrorism and Technology Crime Plan, this report was coordinated by the AG. This report is from December of 1998 and is classified in part. I searched the DOJ website for this report and did not locate it in the press room or the reading room. I did a search on the DOJ website for the report and did not locate it. None of the control sheets located were responsive to this request.
- ▶ I believe that I will need to contact Ron at Exec Sec to see if we can locate this Five Year Interagency Counterterrorism and Technology Crime Plan.
- ▶ Completed the RMS Exec Sec search form for the file.
- ▶ Drafted Ack letter for the case.

10/29/04

- ▶ Conducted a search of Oracle for any cases similar to this request for the Five Year Interagency Counterterrorism and Technology Crim Plan. I locate one case that Doug Hibbard is processing. It is a referral from Crim of the unclassified version of the report. As of this date it is still out on consult with the FBI, that is the last consult still

outstanding. I spoke to Doug and he will let me know when the processing is complete, then I can sent out the plan to the requester.

- ▶ Printed out Doug's case notes for his Miller request and the Oracle control sheet.
- ▶ I might need to make changes to the Ack letter to reflect that the document is out on consultation.

11/2/04

- ▶ Spoke to Marilyn about making changes to the Ack letter to reflect that the document is out on consultation with the FBI. Marilyn stated that this is the correct step to take.
- ▶ I received a new case from Mr. Hart requesting the same report, but in this case, his request was originally to BATF, which stated that Mr. Hart needed to contact OIP. I spoke to Marilyn and Marilyn stated that we can close that case and indicate in our Ack letter that we received both letters from the requester.
- ▶ Drafted a new Ack letter stating to the requester that we have located the document in question and are currently consulting on it.
- ▶ Turned in Ack letter to Marilyn for review.

11/3/04

- ▶ Spoke to Marilyn about if the Five Year Interagency Counterterrorism and Technology Crim Plan was the report that the requester is seeking. In the request letter, Mr. Hart requests a copy of an interagency report about terrorism that was "written by" AG Reno. In support of his request the requester enclosed a copy of an April 24, 1998 article in The Washington Post entitled "U.S. Lacking In Terrorism Defenses; Study Cites a Need to Share Intelligence." It appears that the leaked study is a draft compiled for the "Five Year" report. Marilyn and I discussed if the requester wanted the report or the study talked about in the article. Marilyn asked that I review the "Five Year" report to make sure this is the item being requested.
- ▶ I reviewed the "Five Year" report again and I believe this is the item being requested. I spoke to Marilyn again and after more discussion, we agreed that the "Five Year" report is the document being requested by Mr. Hart.
- ▶ Marilyn and I started to review the "Five Year" plan and we believe that if the document isn't public, we are going to need to consult with many more agencies than Doug is currently consulting with.
- ▶ Doug came in to speak to Marilyn and I about the consult situation. We all agreed after discussion, that more consults will have to be conducted. I told Doug that I would review the

document and come up with a list of agencies we will have to

- ▶ consult with.
- ▶ Marilyn and I next discussed an Washington Post article from October 20, 1999 in which the "Five Year" plan was "made public" but Marilyn and I are not sure if this means the plan is public or just related that the plan was produced.
- ▶ Marilyn called the library at Main and asked if they had copies of the Senate Judiciary Committee hearing from 10/20/99. She was told that the library does have the hearings. I will go to the library on 11/4/04 to review the committee hearing.
- ▶ Marilyn and I are still working on the Ack letter for this case.

11/4/04

- ▶ I conducted another web search for the "Five Year" plan, to see if it has been made public. I located a statement from AG Reno to the Senate Committee on Appropriations on 2/4/99. In this statement AG Reno stated that a fifty page unclassified excerpt was made available to the Committee and state and local authorities. I found a copy of this excerpt on the web, but that does not mean that it is public. I will ask to see this Committee hearing at the library today.
- ▶ Conducted a search at the library at Main. I searched the CIS 1999-2000 Congressional Index and Abstracts of Committee hearings. I used the key words Reno, Holder, Puerto Rico, and Terrorism for the hearing search. I located hearings regarding the "Five Year" plan, but none of the hearings had information indicating that the "Five Year" plan had been made public. I also searched the "U.S. Department of Justice Current Documents, January - December 1999 Microfiche Guide and Indexes" book. This book is a listing of documents made public by the Department in 1999. It is similar to the web search of the PAO press release page. I did not located the "Five Year" plan being released in the Guide book.
- ▶ Spoke to Marilyn about the library search. Marilyn stated that she spoke to Carmen and I have been instructed to call the requester and inform him that we have located the "Five Year" plan and believe that is what he wants, if it is we will continue the processing and draft needed consult memos.
- ▶ Left a voice message for Mr. Hart explaining that we believe we have located the report he is requesting, but would like to discuss it before we start to process.

11/10/04

- ▶ Received a phone call from Mr. Hart. I explain to Mr. Hart the report we locate and if that sounded like the report he requested. I explained to Mr. Hart that the study referenced in

the Washington Post article was drafted for the creation of the Five Year plan. Mr. Hart stated that he believes we located the report he wants. I explained to Mr. Hart that we would need to consult with a number of components and agencies regarding the report and it may be sometime before we have a document to release to him. Mr. Hart stated that he understood the process and is willing to wait for the report to be consulted on. I can now proceed with the need to consult Ack letter.

11/17/04

- ▶ Made the needed changes to the "need to consult" Ack letter.
- ▶ Turned in Ack letter to Marilyn for review.

11/23/04

- ▶ Marilyn returned the Ack letter with changes. Marilyn wants to expand on the telephone conversation with the requester and the need to add fee language. Marilyn also asked that I improve the case notes.
- ▶ Made changes to the case notes.
- ▶ Added language to the Exec Sec search form.
- ▶ Made needed changes to the Ack letter.
- ▶ Returned case to Marilyn for review.
- ▶ Marilyn returned Ack letter, it is ready to go out.
- ▶ Signed and dated Ack letter.
- ▶ Made a copy of Ack letter for the file.
- ▶ Sent out Ack letter.

5/19/05

- ▶ During my case review, Carmen asked that I bring in cases that our out on search or consult for reassignment. This case is ready for reassignment. Since Doug is processing the Erica Miller request for the same document, the case will be reassigned to him. The following action is needed:

1. Wait for the FBI consult to return and apply the results. If the FBI does not WIF, consults will need to be conducted with DOD, State, Treasury, CIA, FEMA, DHHS, DOE, NRC, Commerce, EPA, NSC, ATF, USCG, EOUSA, and Homeland Security.

8-10 - Called Tracy Washington
Brett's secretary. 4-9669
re: status. was given to
John Eisenberg.

Tracy called John who said
he'd given it to Jason Chipman
& Jason shd be done, never
soon.

8-28. Followed up w/ Tracy.
She will call Jason & get
back to me.

8-29 - email - Tracy
out 'til next wk.

9-4 - called Tracy. Will call
Jason today & get back to me.

9-9 - Called Tracy. No answer.
left detailed message.

9-10 - Sonja Sesken. Artist.
4-4834

Jason Chipman
3-3030

Tracy no answer, so she
gave me Jason's & Sonja's
numbers.

Sent e-mail to Chipman.

9-15 l/p very detailed.

Carmen,

The following action is needed on the Thomas Hart request for a copy of the Five-Year Interagency Counterterrorism and Technology Crime Plan:

- 1. Wait for the FBI consult to return and apply the results. If the FBI does not WIF, consults will need to be conducted with DOD, State, Treasury, CIA, FEMA, DHHS, DOE, NRC, Commerce, EPA, NSC, ATF, USCG, EOUSA, and Homeland Security.**

This plan is the same document that Doug is processing in his Erica Miller request (OIP/03-R0028).

If you have any questions, please let me know.

Keith

Keith

Reassignment - Doug

*Doug- Do you have the same doc in Erica Miller
I'm reassigning this one to you. Can you
please change the assignment designation in
Oracle? Many thanks*

Keith

August 9, 2006

Tricia,

The history of this request is longer than usual though it's not terribly complicated. The requester is seeking an AG Reno report concerning domestic and international terrorism.

This case was initially assigned to Keith. He conducted an Exec Sec search and found what he considered to be the requested report (the Five Year Interagency Counterterrorism and Technology Crime Plan). He then learned that I was already processing this Plan in my Miller case, OIP/03-R0028. However, upon review of the Miller file, he asked why we were only doing FBI, JMD and OJP consults when many other entities (an additional 15) also had equities. Once Keith left, the case was given to me, and you and I decided that we would wait to see if the FBI would give us a withhold in full suggestion before initiating the 15 new consults. You can probably guess by now that the FBI did not do that. The good news is that I was able to close out OIP/03-R0028 with a still interested letter. I tried the same tactic here, but the requester has confirmed his continued interest. He has also confirmed that, while the document we're processing does not exactly match the description of the document requested in his letter, the Five Year Plan will satisfy his request. As a result, I give you 15 consult memos, all on the same document.

DAG

12/10/04
Dag - Per our discussion MAP now

[REDACTED]

FOIA Exemption b(5)

137-1.
all the memo are signed.

***IRS Search Conducted
for Records Maintained by the
Department Executive Secretariat***

EXEC SEC SEARCH RESULTS

Requester: Thomas Hart

Subject of Request: Copy of 1998 AG Reno Report regarding terrorism

OIP No(s): AG/05-R0091

Analyst: Keith Mastromichalis

The following databases were searched:

Terms Used

IQ Time period: 1/1/01 to present

RMS Time period: 1982 to 12/31/00

"Terrorism" from 1/1/98 to 12/31/98

☐ Located records that may be responsive to the request and have printed them out for review.

☒ Located control sheets only; underlying records have been destroyed or cannot be located. Control sheets have been printed for review.

☐ No records were located in the Department Executive Secretariat.

☐ Records, if they exist, are maintained at WNRC.

Were microfilm reels searched: ☐ No ☐ Were indices searched: ☐ NO ☐

Date search was conducted: October 27, 2004

Total amount of search time: 40 minutes

None of the Control Sheets were responsive to this request.

Falksen, Marilyn L

From: Mallon, Carmen L
Sent: Monday, September 22, 2008 9:11 AM 2
To: Chipman, Jason
Cc: Falksen, Marilyn L
Subject: RE: Freedom of Information Act (FOIA) Request of Thomas Hart

Jason--

Thanks so much for getting back to us and so sorry for the urgency of this review. I am available until 2 today and then I will be on BlackBerry after that. Shall I call you at a particular time? Many thanks

Carmen
616-5474

From: Chipman, Jason
Sent: Monday, September 22, 2008 9:02 AM 3
To: Falksen, Marilyn L
Cc: Mallon, Carmen L
Subject: RE: Freedom of Information Act (FOIA) Request of Thomas Hart

Quite right. Sorry about the delayed response (both as to the document and setting up a phone call). I think I've wrestled this back and can clear it shortly. Let's aim to touch base at the end of the day.

From: Falksen, Marilyn L
Sent: Friday, September 19, 2008 5:30 PM 4
To: Chipman, Jason
Cc: Mallon, Carmen L
Subject: RE: Freedom of Information Act (FOIA) Request of Thomas Hart

I assume since I didn't hear from you this afternoon, today did not work for the brief phone call re: the Hart concurrence. There is a slight possibility that I won't be in on Monday, but if that is the case, Carmen Mallon, Chief of Staff in OIP, will be able to answer any questions you may have. She can be reached through our main number 514-3642.

Have a great weekend and thanks for your efforts in moving this old request.

Marilyn

From: Chipman, Jason
Sent: Friday, September 19, 2008 11:27 AM 5
To: Falksen, Marilyn L
Subject: RE: Freedom of Information Act (FOIA) Request of Thomas Hart

Marilyn: I've asked that the person who has it in ODAG clear it out shortly. It might be useful to have a brief phone call later today or on Monday. Are you available either day? - Jason

From: Falksen, Marilyn L
Sent: Wednesday, September 17, 2008 6:19 PM 6
To: Chipman, Jason
Cc: Sesker, Sonya J (ODAG)
Subject: RE: Freedom of Information Act (FOIA) Request of Thomas Hart

Jason:

Just a quick note to ask about the status of the Hart concurrence you are reviewing for AG's office. Let me know if you have any questions or if I can be of assistance in moving it. Thanks for your assistance.

Marilyn

From: Chipman, Jason
Sent: Monday, September 15, 2008 3:08 PM
To: Falksen, Marilyn L.
Cc: Sesker, Sonya J (ODAG)
Subject: RE: Freedom of Information Act (FOIA) Request of Thomas Hart

7

Marilyn:

This is with others in ODAG. We'll move it out of here shortly. Give me a day to chase this down and then I'll be in touch -- if you don't hear back please ping me as I can't see any reason not to meet that deadline.

Jason

From: Falksen, Marilyn L.
Sent: Wednesday, September 10, 2008 5:25 PM
To: Chipman, Jason
Cc: Sesker, Sonya J (ODAG)
Subject: Freedom of Information Act (FOIA) Request of Thomas Hart

8

Thomas Hart, a private citizen, made a FOIA request for a copy of the "Attorney General's Five-Year Interagency Counterterrorism and Technology Crime Plan." We have consulted with the Department components and other federal agencies that have equity in the document and have obtained their recommendations concerning the disclosure of the document. Before responding to the requester, we sent a copy of the document, along with our recommendation to disclose it with certain material excised, to Brett Gerry, the Chief of Staff in the Office of the Attorney General, asking for his concurrence on our proposed action. It is my understanding that the document has been given to you to review before the current Chief of Staff responds to this Office.

Pursuant to Executive Order 13,392 "Improving Agency Disclosure of Information," we established the goal of closing by September 30, 2008 the ten oldest FOIA requests pending at the beginning of this Fiscal Year. The Hart request is one of those ten oldest requests, and we must respond to the requester by the end of this month in order to meet our goal. Accordingly I am writing to ascertain the status of your review of the document. If you have any questions or would like me or the staff member who processed this request to sit down with you as you go over the document, we would be glad to do so. Please send me an e-mail or call me at 6-5493 at your earliest convenience.

Marilyn L. Falksen, Chief
Initial Request Staff
Office of Information and Privacy
Department of Justice
202-616-5493

Falksen, Marilyn L

From: Chipman, Jason
Sent: Tuesday, September 23, 2008 9:54 AM
To: Mallon, Carmen L
Cc: Falksen, Marilyn L
Subject: RE: Freedom of Information Act (FOIA) Request of Thomas Hart

9

Carmen:

I accidentally left you off the below note. I'll clear this out this morning and get it up to OAG.

Jason

From: Chipman, Jason
Sent: Tuesday, September 23, 2008 9:45 AM
To: Falksen, Marilyn L
Cc: Sesker, Sonya J (ODAG); Eisenberg, John
Subject: RE: Freedom of Information Act (FOIA) Request of Thomas Hart

10

Marilyn:

ODAG is comfortable with this. I will send the document back to OAG for its final review and clearance.

Thanks,

Jason Chipman

From: Sesker, Sonya J (ODAG)
Sent: Tuesday, September 16, 2008 8:50 AM
To: Chipman, Jason
Subject: RE: Freedom of Information Act (FOIA) Request of Thomas Hart

11

Thank you.

From: Chipman, Jason
Sent: Monday, September 15, 2008 3:08 PM
To: Falksen, Marilyn L
Cc: Sesker, Sonya J (ODAG)
Subject: RE: Freedom of Information Act (FOIA) Request of Thomas Hart

Duplicate of 7

Marilyn:

This is with others in ODAG. We'll move it out of here shortly. Give me a day to chase this down and then I'll be in touch -- if you don't hear back please ping me as I can't see any reason not to meet that deadline.

Jason

From: Falksen, Marilyn L
Sent: Wednesday, September 10, 2008 5:25 PM
To: Chipman, Jason
Cc: Sesker, Sonya J (ODAG)
Subject: Freedom of Information Act (FOIA) Request of Thomas Hart

Duplicate of 8

Thomas Hart, a private citizen, made a FOIA request for a copy of the "Attorney General's Five-Year Interagency Counterterrorism and Technology Crime Plan." We have consulted with the Department components and other federal agencies that have equity in the document and have obtained their recommendations concerning the disclosure of the document. Before responding to the requester, we sent a copy of the document, along with our recommendation to disclose it with certain material excised, to Brett Gerry, the Chief of Staff in the Office of the Attorney General, asking for his concurrence on our proposed action. It is my understanding that the document has been given to you to review before the current Chief of Staff responds to this Office.



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUL 31 2008

MEMORANDUM

TO: Brett C. Gerry
Chief of Staff
Office of the Attorney General

Attention: Catherine Bennett

FROM: Melanie Ann Pustay *Melanie Ann Pustay*
Director

SUBJECT: Freedom of Information Act Request of Thomas Hart

This is in reference to the FOIA request of Thomas Hart for a copy of the "Attorney General's Five-Year Interagency Counterterrorism and Technology Crime Plan." Please be advised that, while the requester did initially request the April 1998 classified version of this Plan, he subsequently agreed to accept the unclassified version being processed here.

For your information, we consulted with the Office of Justice Programs, Justice Management Division, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Central Intelligence Agency, National Security Council, Nuclear Regulatory Commission, Environmental Protection Agency, the Departments of Health and Human Services, Energy, Treasury, Commerce, Defense, and State, and the United States Coast Guard, National Protection and Programs, Office of Operations Coordination, Science and Technology Directorate, Secret Service, Office of Intelligence and Analysis, and Federal Emergency Management Agency of the Department of Homeland Security. All of these entities have advised that they have no objection to the release of this document. Those recommendations, in turn, are the basis for our recommendation to release all portions of the document for which no entity raised any objection. Due to the age of this document, 1999, we would not normally send this to you for review. Given the subject matter, however, I thought your Office might want to review the document as well.

In addition to the entities listed above, we also consulted with the Federal Bureau of Investigation (FBI) and Internal Revenue Service (IRS). Both the FBI and the IRS recommended that various portions of the document be withheld. Based on our review, we defer to the recommendations of the FBI and the IRS. The IRS recommended that the bracketed information on pages 17 and 18 be withheld pursuant to Exemptions 7(A) (on-going enforcement proceedings), 7(E) (circumvention of investigation), and 7(F) (physical safety), as indicated.

FOIA Exemption b(5)

57(a)

we recommend deferring to them. Similarly, given that the FBI marked specific portions for withholding, and had no objection to disclosure of the remaining portions, we recommend deferring to them as well. As such, we recommend that the document be released in part with the highlighted portions withheld on behalf of the FBI pursuant to Exemptions 2 (internal practices) and 5 (deliberative process privilege) of the FOIA, and on behalf of the IRS as mentioned above.

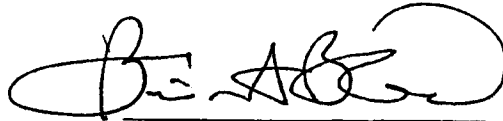
If you agree with my proposed action please sign the attached concurrence sheet. For your convenience, I have attached a copy of Mr. Hart's request letter. Thank you for your attention to this matter. If you have any questions, please call me at (202) 514-3642.

Attachments

MAP:VRB:DRH

Freedom of Information Act request of Thomas Hart for a copy of the "Attorney General's Five-Year Interagency Counterterrorism and Technology Crime Plan."

☒ Disclose the record in part with excisions made pursuant to Exemptions 2, 5, 7(A), 7(E), and 7(F) of the FOIA.



~~Brett C. Gerry~~ *Brett C. Gerry*
Chief of Staff
Office of the Attorney General

9/24/08
Date

U.S. Department of Justice

Office of Information and Privacy

Washington, D.C. 20530

JUL 31 2008

Attorney General

DAG CONCURRENCE MEMO

Attention: Catherine Bennett

FROM: Melanie Ann Pustay *Melanie Ann Pustay*
Director

SUBJECT: Freedom of Information Act Request of Thomas Hart

This
General's I
advised that
Plan, he su

7/30

① Have we looked to see
whether the 1998 5-Year
plan is public anywhere?

For
Managemen
Intelligence
Protection
Commerce,
Programs, (C
Service, Of
Department
to the releas
recommend
Due to the
Given the st
well.

(you probably already
did - I am just
double-checking!)

SURE
HAVE
AND IT'S
NOT

② After looking at this
again, it seemed simpler
to defer to both IRS +
FBI given that they are
the only ones w/ any
objections. I marked the
memo accordingly.

In ac
Investigation
that various
recommend
on pages 17
proceedings

Doug, for pages 17 & 18,
please highlight as well as
bracket. This - map

nas Hart for a copy of the "Attorney
Technology Crime Plan." Please be
April 1998 classified version of this
version being processed here.

ice of Justice Programs, Justice
earms and Explosives (ATF), Central
r Regulatory Commission, Environmental
an Services, Energy, Treasury,
oast Guard, National Protection and
nd Technology Directorate, Secret
l Emergency Management Agency of the
have advised that they have no objection
s, in turn, are the basis for our
for which no entity raised any objection.
rmally send this to you for review.
might want to review the document as

nsulted with the Federal Bureau of
Both the FBI and the IRS recommended
d on our review, we defer to the
nmended that the bracketed information
7(A) (on-going enforcement
7(F) (physical safety), as indicated.

FOIA Exemption b(5)