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*poster by Fred Moore for the
National Resistance Committee*

Resisters.info

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24 January 2024

FOIA Officer
National Archives and Records Administration (NARA)
8601 Adelphi Rd., Room 3110
College Park, MD 20740-6001
(by e-mail to <foia@nara.gov>)

FOIA REQUEST

Fee benefit requested
Fee waiver requested

Dear FOIA Officer:

This is a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

I request access to and copies of all records of the National Commission on Military, National, and Public Service (NCMNPS), custody and control of which, or the authority to exercise control or obtain custody of which, was transferred to the National Archives and Records Administration (NARA) on the expiration of the statutory mandate for the existence of the NCMNPS on 18 September 2020.

This request includes, without limitation:

(1) All records transferred to NARA upon the termination of the NCMNPS, as described in 78 *Federal Register* 77256, 77266 (20 December 2013) ("Upon termination of an agency with no successor in function, the agency transfers its records to NARA's custody.").

(2) All records transferred from the NCMNPS to NARA pursuant to the e-mail message to me from Brig. Genl. Joseph Heck, Chair and FOIA Appeals Officer of the NCMNPS, 11 September 2020: “As you are aware, the Commission’s permanent records will be transferred to the National Archives Records Administration (NARA), and many of the Commission’s temporary records are subject to destruction under its published records schedule at the end of the Commission’s existence. Out of an abundance of caution, NARA intends to retain these temporary records until December 7, 2020—90 days from the date of your appeal of our denial of your FOIA request—for the purpose of allowing you to address any further legal rights related to this specific FOIA request. Questions about this matter may be addressed to NARA’s FOIA Public Liaison Gary M. Stern, at garym.stern@nara.gov.”

(3) All records transferred from the NCMNPS to NARA pursuant to the e-mail message to me from Mr. Gary M. Stern, General Counsel, Chief FOIA Officer, and FOIA Public Liaison of NARA, 14 September 2020: “I can also confirm that, per the statement in Joseph Heck’s September 11, 2020, FOIA appeal response letter to you, NARA is currently in the process of taking interim custody, for a period of approximately 90 days, of the temporary records of the Commission that are appropriately scheduled for disposal upon the termination of the Commission on September 18, 2020.”

(4) The entirety of any document or electronic file containing any records responsive to this request (so that no portion of any document or file containing any responsive portions should be withheld as “unresponsive”).

(5) Any and all records of internal metadata contained in files responsive to any portion of this request as described above.

(6) All records of filesystem metadata pertaining to files responsive to any portion of this request described above, including but not limited to records of (a) the filename of each responsive digital record, as it was found on an NCMNPS, NARA, contractor, or service provider’s workstation, server, storage device, or media; (b) the size of each file in bytes, KB, MB, or GB; (c) the name or other label or identifier of the workstation, server, storage device, or media on which the file was found; (d) the path to the file in the filesystem on which it was found; and (e) the file date(s) as recorded in the file, in that filesystem, and/or in any label(s) on physical devices or storage media.

I request that all responsive records be provided in text-searchable, unencrypted electronic form.

I request that all records of e-mail messages be produced, in order of preference, in the form and format of “.mbx” files (most preferred), “.pst” files, or “.eml” files (least preferred), with each mailbox as a separate file, preserving all internal folders and sub-folders and including all attachments, in accordance with NARA recommendations for preferred e-mail file formats in *Appendix A to NARA Bulletin 2015-04*, <<https://www.archives.gov/records-mgmt/bulletins/2015/2015-04-appendix-a.html>>.

If e-mail messages are not readily reproducible as “.mbx”, “.pst”, or “.eml” files, or for any other records held in electronic form, I request that each such record be provided in the form of a discrete file with the same name and file format as the file was held by or on behalf of the NCMNPS, as a complete bitwise digital copy of the original word processor file, PDF file, e-mail file, or other digital file, including any file headers, embedded metadata, and all other file content.

I specifically request that you not create new documents or files in response to this request; not create “documents” such as page-view images or print views from digital records; not substitute such newly-created “documents”, images, or views for requested records held by you as digital files; and not split one file into multiple files or combine multiple files into one file.

In reporting on the quantities of records found, produced, and/or withheld, I request that you report quantities of digital data in KB, MG, TB, etc., and/or in counts of ASCII characters for ASCII data, not report files as “documents” if they are not in fact documents, and not report file sizes or quantities of records in “pages” if the records consist of files that are not stored in paginated formats.

If all or any part of this request or searches for responsive records are referred or delegated to other agencies, contractors, offices, or staff, I request that any referral, delegation, or search tasking instructions specifically include my request with respect to the form and format in which records are to be produced, so that records are not inadvertently converted to, or produced in, other forms or formats.

Please waive any applicable fees. Release of this information is in the public interest because it will contribute significantly to public understanding of government operations and activities.

As a representative of the news media, I am gathering information on policies, procedures, and practices that is of current interest to the public as part of widespread public interest in the activities of the NCMNPS and the exceptionally controversial subjects of the draft and Selective Service.

I am an award-winning freelance journalist, and the publisher of an informational Web site at <<https://resisters.info>> which is one of the most comprehensive and widely consulted sources of news, analysis, and background and reference information – including information obtained from the NCMNPS in response to my FOIA requests and reporting, analysis, and commentary based on this information and other sources – about the NCMNPS and the issues of the draft, draft registration, compulsory “service”, and Selective Service. The information obtained in response to this request will be made available to the public through publication of significant records on the Web, along with reporting, analysis, and commentary informed by the records released in response to this request.

If copying fees are not waived, please provide me with the opportunity to inspect and make my own copies of the responsive records. In light of the fact that most of the responsive records are likely to be held in digital form, I believe that it would be appropriate to provide for remote access and copying. However, if remote access is not provided and fees for digital copying are not waived and would be prohibitive, I will travel as necessary to inspect and copy these records.

I have no commercial interest in this information. My reporting on this issue, while carried out in my capacity as a professional journalist, has been unpaid and not undertaken for profit.

If this request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal the adequacy of the search for responsive records or your decision to withhold any information, to deny a waiver of fees, or to deny expedited processing.

Pursuant to NARA regulations at 36 CFR § 1230.3(b), no responsive or *potentially* responsive records may be destroyed, deleted, or disposed of while this request is pending.

It is particularly critical to ensure that the online accounts with third-party service providers containing outsourced records responsive or potentially responsive to this request are promptly secured against deletion or alteration, to enable the records held by those service providers to be searched and retrieved in response to this request.

Please respond as soon as possible to confirm your receipt of this request, to advise the reference number assigned to this request and the expected date of completion of action with respect to this request, and to confirm that you have taken action to ensure the preservation of all potentially responsive records, including records held by third-party custodians including online and cloud services.

I look forward to your reply in accordance with the FOIA statute and NARA's FOIA regulations.

To avoid unnecessary delays, please contact me immediately by telephone at +1-415-824-0214 in San Francisco should you have any questions regarding this request.

Sincerely,

Edward Hasbrouck