



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

Telephone: (202) 514-3642

September 20, 2017

Mr. James Henry



Re: DOJ-2016-003106 (OIP)
VRB:DRH:KJK

Dear Mr. Henry:

This responds to your Freedom of Information Act (FOIA) request dated and received in this Office on May 13, 2016, in which you requested the contents of administrative appeal file AP-2016-00628. This response is made on behalf of the Office of Information Policy.

Please be advised that a search has been conducted in the Office of Information Policy, and twenty-nine pages were located that are responsive to your request. I have determined that twenty-eight pages are appropriate for release with excisions made pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), which pertains to certain inter-and intra-agency communications protected by the deliberative process and the attorney work-product privileges. Please note that the enclosed pages also contain records that are not responsive to your request inasmuch as they do not concern the adjudication of your administrative appeal in any way. Those records have not been processed and are marked accordingly.

Because the remaining one page of material originated with the Federal Bureau of Prisons (BOP), we have referred that material to BOP for processing and direct response to you. Contact information for BOP can be found at www.foia.gov.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2015) (amended 2016). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Laurie Day, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001; telephone at 202-514-3642; or facsimile at 202-514-1009.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of

AG
FOIA
ERH
VRB Reviewer James Henry
WhoWhatWhy.org



August 25, 2015

RECEIVED
SEP 09 2015

Office of Information Policy

Laurie Day
Chief, Initial Request Staff
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001
(202) 514-3642 (Telephone)
(202) 514-1009 (Fax)

Initial Request

FOIA REQUEST

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of records concerning the Special Administrative Measures (SAMs) under which convicted Boston Marathon bomber Dzhokhar Tsarnaev is being held. Specifically:

1. Who or which government agency requested that these special confinement conditions be renewed for the current 120 day increment.
2. And a copy of the memorandum sent by the requesting agency setting forth the request, including:
 - A full and complete statement of the inmate's background and proclivity for violence or for ordering or inciting crimes of violence.
 - A discussion of why special measures should be implemented.
 - A description of what special measures (e.g., no visitors except attorneys, no contact with the news media) should be imposed with a justification for each.

Please search for responsive records at the office of the Attorney General.

I would prefer to receive the information in printed paper format if practicable.

This is a records request that falls into the "representatives of the news media" fee category. The *WhoWhatWhy* news organization reports on law enforcement and security operations. The public

has come to expect *WhoWhatWhy* to be in the forefront of obtaining, examining and writing about important government records and sharing its findings.

Through this request, I am gathering information to help the public understand why Tsarnaev, an American citizen, is prohibited from communicating with the outside world which is of current interest to the public. It is in the public interest for a news organization like *WhoWhatWhy* to review and assess documents of the sort we are requesting.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$25. Kindly notify me before incurring any expenses in excess of that amount.

Please note that as a member of the news media, I am only required to pay for the direct cost of duplication after the first 100 pages, and search or review fees are not applicable.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I also ask that you release all segregable portions of otherwise exempt material.

If any responsive records are marked as classified or restricted, I ask that you review them for declassification and release. Please apply the foreseeable harm standard in the Attorney General's Memorandum on FOIA. Please also apply the presumption of openness in the President's Memorandum on FOIA.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone or email, rather than by postal mail, if you have questions regarding this request. I would be pleased to discuss this request with a staff member if you feel that would be helpful in clarifying some aspect of the request.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,


James Henry

WhoWhatWhy's News Media Status

WhoWhatWhy is a nonprofit, nonpartisan news organization dedicated to producing groundbreaking, transformative, independent investigative journalism. Since 2005 *WhoWhatWhy* has been a trusted news site staffed and run by experienced professional journalists. All of our exclusive stories, including investigative reporting, analysis pieces, features, and essays on politics, power, and perceptions, involve careful, accurate, fair reporting and analysis. We disseminate our material via our own site, radio and television interviews, and distribution by other respected online outlets including Salon.com, Alternet.org, Huffingtonpost.com, Opednews.com, Commondreams.org, Truth-out.org, Businessinsider.com, and others.

WhoWhatWhy frequently reports on law enforcement, security operations and US foreign policy and is at the forefront of examining such material and sharing its findings. In particular, we have written on recent developments in Ukraine, Syria, Libya, Afghanistan, as well as issues related to Homeland Security, FBI, CIA, 9/11, and the Boston Marathon bombing (for examples of *WhoWhatWhy* articles discussing these topics, see www.whowhatwhy.org).

WhoWhatWhy brings the best of mainstream methods (balance and rigor) to the alternative media, and the best of the alternative media (passion for the truth and the larger story) to the mainstream. With this formula we are able to produce groundbreaking investigative journalism and timely, well-sourced, deeply explored accounts of the truth behind current events. Our team of writers, editors and researchers focus on getting past the rhetoric to expose the hidden levers and machinations that shape our world.

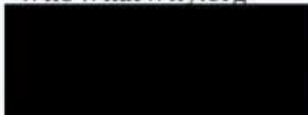


U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

September 30, 2015

Mr. James Henry
WhoWhatWhy.org



Re: AG/15-05749 (F)
VRB:ERH

Dear Mr. Henry:

This responds to your Freedom of Information Act (FOIA) request dated August 25, 2015, and received in this Office on September 9, 2015, for records pertaining to any Special Administrative Measures under which Dzhokar Tsarnaev is being held. This response is made on behalf of the Office of the Attorney General.

With respect to the named individual, lacking their consent, an official acknowledgment that he is currently subject to Special Administrative Measures, or an overriding public interest, even to acknowledge the existence of such records pertaining to this individual could reasonably be expected to constitute an unwarranted invasion of his personal privacy. Accordingly, I have decided to refuse to confirm or deny the existence of responsive records pursuant to Exemption 7(C) of the FOIA, 5 U.S.C. § 552(b)(7)(C).

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, or you may submit an appeal through this Office's eFOIA portal at www.justice.gov/oip/efoia-portal.html. Your appeal must be postmarked or transmitted electronically within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Vanessa R. Brinkmann
Senior Counsel

Response Letter

IR Case Notes

Case Notes

Analyst: Eric R. Hotchkiss (ERH)
Reviewer (if assigned): Vanessa R. Brinkmann (VRB)
Name of Requester: James Henry
Date of Request: August 25, 2015
Date of Receipt: September 9, 2015
Date Received by Analyst: September 16, 2015
Case No(s)/Component(s): AG/15-05749 (F)

Subject of Request: Records concerning the Special Administrative Measures (SAMs) under which convicted Boston Marathon bomber Dzhokhar Tsaraev is being held. Specifically:

1. Which agency/component requested the SAMs be renewed for the current 120 day period
2. A copy of the memorandum sent by the requesting agency setting forth the request.

(b)(5)

(b)(5)

9/23/2015

- Drafted final response neither confirming nor denying the fact that Tsarnaev is subject to Special Administrative Measures.
- Submitted to VRB for review

From: [Brinkmann, Vanessa R \(OIP\)](#)
To: [Hotchkiss, Eric \(OIP\)](#)
Subject: FW: BOP / JMD / ODAG FOIA Request
Date: Wednesday, September 30, 2015 2:57:10 PM

FYI and for the Henry file -

From: Eugene Baime [mailto:EBaime@bop.gov]
Sent: Tuesday, September 22, 2015 1:46 PM
To: Brinkmann, Vanessa R (OIP)
Subject: RE: BOP / JMD / ODAG FOIA Request

Vanessa:

This is the response I received:

(b)(5)



Best,
Gene

>>> "Brinkmann, Vanessa R (OIP)" <Vanessa.R.Brinkmann@usdoj.gov>
9/22/2015 12:15 PM >>>

(b)(5)



I can explain the details over the phone if you have some time to chat.

Thanks,

Vanessa

Non-Responsive Records



Non-Responsive Records



Non-Responsive Records



Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

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, or you may submit an appeal through OIP's FOIAonline portal at <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Vanessa R. Brinkmann
Senior Counsel



Big
2/16/16

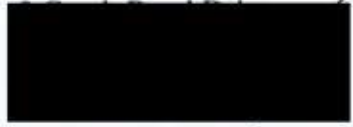
U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

January 29, 2016

Fdb / MSH
2 / 9

Mr. James Henry
WhoWhatWhy.org



Re: Appeal No. AP-2016-00628 ✓
Request No. AG/15-05749 (F)-
MWH:RNB -

VIA: E-Mail ✓

Dear Mr. Henry:

You appealed from the action of the Initial Request Staff (IR Staff) of the Office of Information Policy, acting on behalf of the Office of the Attorney General on your Freedom of Information Act request for access to records concerning Special Administrative Measures under which Dzhokar Tsarnaev is being held.

After carefully considering your appeal, I am affirming, on partly modified grounds, IR Staff's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. To the extent that non-public responsive records exist, without consent, proof of death, or an overriding public interest, disclosure of law enforcement records concerning an individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(7)(C). Because any non-public records responsive to your request would be categorically exempt from disclosure pursuant to Exemption 7(C), IR Staff was not required to conduct a search for the requested records. See Blackwell v. FBI, 646 F.3d 37, 41-42 (D.C. Cir. 2011) (upholding agency's refusal to conduct a search for law enforcement records pertaining to named third parties because such records are categorically exempt from disclosure in the absence of an overriding public interest).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of IR Staff in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-

exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

X

Sean R. O'Neill
Chief, Administrative Appeals Staff

MWH for SRO

Hibbard, Douglas (OIP)

From: Barrett, Rianna (OIP)
Sent: Tuesday, July 19, 2016 4:58 PM
To: Hibbard, Douglas (OIP)
Subject: FW: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

From: Hurd, Matthew (OIP)
Sent: Friday, April 22, 2016 10:19 PM
To: Barrett, Rianna (OIP)
Subject: Re: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

This message has been archived.

Thanks. I emailed Sean about it and I will plan to talk to him Monday about it.

Matthew W. Hurd
Office of Information Policy
Phone - (202) 616-5463 <[tel:\(202\)%20616-5463](tel:(202)%20616-5463)>

On Apr 22, 2016, at 3:38 PM, Barrett, Rianna (OIP) <rbarrett@jmd.usdoj.gov> wrote:

Articles about an appeal we worked on below. (b)5

From: Hotchkiss, Eric (OIP)
Sent: Friday, April 22, 2016 2:39 PM
To: Brinkmann, Vanessa R (OIP)
Cc: Barrett, Rianna (OIP)
Subject: RE: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

Here you go

From: Brinkmann, Vanessa R (OIP)
Sent: Friday, April 22, 2016 2:34 PM
To: Barrett, Rianna (OIP); Hotchkiss, Eric (OIP)
Subject: RE: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

FYI on this topic:

Indicted Boston Bomber Tsarnaev Held Under Gag Order, Incommunicado
<<http://www.globalresearch.ca/indicted-boston-bomber-tsarnaev-held-under-gag-order-incommunicado/5521227>>

Eric, do you have copies of the IR final and the final appeal letter and could you forward them to me?

From: Barrett, Rianna (OIP)
Sent: Monday, February 01, 2016 10:27 AM
To: Brinkmann, Vanessa R (OIP); Hotchkiss, Eric (OIP)
Subject: RE: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

Thanks, Vanessa. I'll submit the appeal with that recommendation. I'll let you both know if Sean has any additional questions or thoughts.

From: Brinkmann, Vanessa R (OIP)
Sent: Monday, February 01, 2016 10:22 AM
To: Hotchkiss, Eric (OIP)
Cc: Barrett, Rianna (OIP)
Subject: RE: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

(b)5



From: Hotchkiss, Eric (OIP)
Sent: Monday, February 01, 2016 8:04 AM
To: Brinkmann, Vanessa R (OIP)
Cc: Barrett, Rianna (OIP)
Subject: FW: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

Vanessa,

I wanted to loop you in as I think this is a bit over my head. It's an appeal regarding the request for Tsarnaev's SAMs that we issued a 7C Glomar response back in September. You have an entry in the case notes that explains our position. (b)5 My case file is here: G:\Oip\ehotchkiss\CLOSED\FY 2015\Henry, J

Thanks,

Eric

From: Barrett, Rianna (OIP)
Sent: Friday, January 29, 2016 1:44 PM

To: Hotchkiss, Eric (OIP)

Subject: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

Hi Eric,

I am reviewing this appeal from Mr. Henry. OIP issued a 7C Glomar response. That response was correct at the time of the response letter dated September 30, 2015. However, on appeal the requester attached a letter from BOP dated October 19, 2015, that says Special Administrative Measures were implemented regarding inmate Tsarnaev's confinement. It is from the Acting Warden who says that due to these restrictions, he is unable to grant the request for an interview with Tsarnaev at this time.

OIP's response letter had said that without an official acknowledgment that Tsarnaev is currently subject to SAMs, even to acknowledge the existence of such records would constitute an unwarranted invasion of privacy. Do you agree that the 7C Glomar no longer applies given BOP's acknowledgement of this SAM? I am thinking about recommending affirming, on partly modified grounds, and doing a categorical 7C denial.

Thanks,
Rianna

Rianna N. Barrett
Attorney-Advisor
Office of Information Policy
U.S. Department of Justice
202-305-0751 (direct)

<Final.pdf>

<Henry, James, AP-2016-00628, IR for AG, affirm PMG 7C categorical.pdf>

Hibbard, Douglas (OIP)

From: Barrett, Rianna (OIP)
Sent: Tuesday, July 19, 2016 4:57 PM
To: Hibbard, Douglas (OIP)
Subject: FW: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

Non-Responsive Records

From: Brinkmann, Vanessa R (OIP)
Sent: Friday, April 22, 2016 2:45 PM
To: Hotchkiss, Eric (OIP)
Cc: Barrett, Rianna (OIP)
Subject: RE: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

Thanks!

From: Hotchkiss, Eric (OIP)
Sent: Friday, April 22, 2016 2:39 PM
To: Brinkmann, Vanessa R (OIP)
Cc: Barrett, Rianna (OIP)
Subject: RE: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

Here you go

<< File: Final.pdf >>

<< File: Henry, James, AP-2016-00628, IR for AG, affirm PMG 7C cateogrical.pdf >>

From: Brinkmann, Vanessa R (OIP)
Sent: Friday, April 22, 2016 2:34 PM
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Subject: RE: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

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<<http://www.globalresearch.ca/indicted-boston-bomber-tsarnaev-held-under-gag-order-incommunicado/5521227>>

DOJ Cites Bizarre Reason to Deny WhoWhatWhy Access to Tsarnaev Info - WhoWhatWhy

<<http://whowhatwhy.org/2016/04/21/doj-cites-bizarre-reason-deny-whowhatwhy-access-tsarnaev-info/>>

Eric, do you have copies of the IR final and the final appeal letter and could you forward them to me?

From: Barrett, Rianna (OIP)

Sent: Monday, February 01, 2016 10:27 AM

To: Brinkmann, Vanessa R (OIP); Hotchkiss, Eric (OIP)

Subject: RE: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

Thanks, Vanessa. I'll submit the appeal with that recommendation. I'll let you both know if Sean has any additional questions or thoughts.

From: Brinkmann, Vanessa R (OIP)

Sent: Monday, February 01, 2016 10:22 AM

To: Hotchkiss, Eric (OIP)

Cc: Barrett, Rianna (OIP)

Subject: RE: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

(b)5



From: Hotchkiss, Eric (OIP)

Sent: Monday, February 01, 2016 8:04 AM

To: Brinkmann, Vanessa R (OIP)

Cc: Barrett, Rianna (OIP)

Subject: FW: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

Vanessa,

I wanted to loop you in as I think this is a bit over my head. It's an appeal regarding the request for Tsarnaev's SAMs that we issued a 7C Glomar response back in September. You have an entry in the case

notes that explains our position. (b)5
file is here: G:\Oip\ehotchkiss\CLOSED\FY 2015\Henry, J

My case

Thanks,

Eric

From: Barrett, Rianna (OIP)
Sent: Friday, January 29, 2016 1:44 PM
To: Hotchkiss, Eric (OIP)
Subject: James Henry, AP-2016-00628, Request No. AG/15-05749 (F)

Hi Eric,

I am reviewing this appeal from Mr. Henry. OIP issued a 7C Glomar response. That response was correct at the time of the response letter dated September 30, 2015. However, on appeal the requester attached a letter from BOP dated October 19, 2015, that says Special Administrative Measures were implemented regarding inmate Tsarnaev's confinement. It is from the Acting Warden who says that due to these restrictions, he is unable to grant the request for an interview with Tsarnaev at this time.

OIP's response letter had said that without an official acknowledgment that Tsarnaev is currently subject to SAMs, even to acknowledge the existence of such records would constitute an unwarranted invasion of privacy. Do you agree that the 7C Glomar no longer applies given BOP's acknowledgement of this SAM? I am thinking about recommending affirming, on partly modified grounds, and doing a categorical 7C denial.

Thanks,
Rianna

Rianna N. Barrett
Attorney-Advisor
Office of Information Policy
U.S. Department of Justice
202-305-0751 (direct)

From: [Hurd, Matthew \(OIP\)](#)
To: [O'Neill, Sean \(OIP\)](#)
Subject: Re: FYI
Date: Friday, April 22, 2016 10:04:37 PM

Thanks.

(b)5

I need to

look at the file Monday. Maybe we can discuss then.

Matthew W. Hurd
Office of Information Policy
Phone – [\(202\) 616-5463](tel:(202)616-5463)

On Apr 22, 2016, at 9:38 PM, O'Neill, Sean (OIP) <soneill@jmd.usdoj.gov> wrote:

FYI, re an appeal you signed.

Begin forwarded message:

From: "O'Neill, Sean (OIP)" <soneill@jmd.usdoj.gov>
Date: April 22, 2016 at 9:37:41 PM EDT
To: "Brinkmann, Vanessa R (OIP)" <vbrinkmann@jmd.usdoj.gov>
Cc: "Mallon, Carmen L (OIP)" <cmallon@jmd.usdoj.gov>, "Pustay, Melanie A (OIP)" <mpustay@jmd.usdoj.gov>, "Hibbard, Douglas (OIP)" <dhibbard@jmd.usdoj.gov>, "Day, Laurie (OIP)" <lday@jmd.usdoj.gov>, "Villanueva, Valeree A (OIP)" <vvillanueva@jmd.usdoj.gov>, "Butler, Christina M. (OIP)" <cmbutler@jmd.usdoj.gov>, "Talebian, Bobak (OIP)" <btalebian@jmd.usdoj.gov>
Subject: Re: FYI

Thanks, I wasn't aware of this one.

On Apr 22, 2016, at 3:46 PM, Brinkmann, Vanessa R (OIP) <vbrinkmann@jmd.usdoj.gov> wrote:

The IR Staff issued a privacy Glomar response to this request re Tsarnaev's SAMs. After learning new information indicating that the warden had acknowledged the SAMs, the Appeals Staff affirmed the denial on the partly modified grounds (categorical 7(C)).

[Indicted Boston Bomber Tsarnaev Held Under Gag Order. Incommunicado](#)



Indicted Boston Bomber Tsarnaev Held Under Gag Order, Incommunicado

On the grounds that it wants to protect the privacy of convicted Boston Marathon bomber Dzhokhar Tsarnaev, the D...

[DOJ Cites Bizarre Reason to Deny WhoWhatWhy Access to Tsarnaev Info - WhoWhatWhy](#)



DOJ Cites Bizarre Reason to Deny WhoWhatWhy Access to Tsarnaev Info - WhoWh...

Efforts to learn why Boston Marathon bomber Dzhokhar Tsarnaev is being held "incommunicado" prompted t...

<Final.pdf>

<Henry, James, AP-2016-00628, IR for AG, affirm PMG
7C cateogrical.pdf>

BLITZ FORM

APPEAL NO.	COMPONENT	REQUEST NO.	OIP ATTORNEY	SUBMITTED ON:
AP-2016-00628 ✓	EOUSA ✓	AG/15-05749 (F)✓	RNB	1/29/16

REQUEST:

REQUEST DATE	REQUESTER NAME	PRISONER	ATTORNEY
Dated: 8/25/15 Rec'd: 9/9/15	James Henry	No	No
SUBJECT OF REQUEST	R seeks copies of records concerning the Special Administrative Measures under which Dzhokhar Tsarnaev is being held.		

AGENCY RESPONSE:

DATE	ACTION	REV'D	RIF	RIP	WIF	REFERRED	OTHER
9/30/15	7C Glomar						
FOIA						PA	
SEARCH NOTES	No search was conducted.						

APPEAL:

DATE OF APPEAL	Dated: 10/23/15 Post: 10/26/15 Rec'd: 11/13/15	AGENCY CONTACT	Eric Hotchkiss	PHONE NUMBER	202-616-5456
Fee Issues?	YES/NO		Timely?	YES/NO	
ARGUMENTS ON APPEAL	(b)(5)				

<image001.jpg>

<image003.jpg>

<image004.png>

DISCUSSION

(b)(5)

(b)(5)

Agree

AG GUIDELINES
CONSIDERATION

RECOMMENDATION

(b)(5)

REVIEWER COMMENTS	<i>Concur</i>
<i>HW</i>	
DATE: <i>2/9/16</i>	
ATTORNEY FOLLOW-UP TO REVIEWER COMMENTS	
DATE:	



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

November 19, 2015

Mr. James Henry



Re: Request No. AG/15-05749 (F)

Dear Mr. Henry:

This is to advise you that your administrative appeal from the action of the Initial Request Staff of the Office of Information Policy, acting on behalf of the Office of the Attorney General, was received by this Office on November 13, 2015.

The Administrative Appeals Staff of the Office of Information Policy has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **AP-2016-00628**. Please note that if you provide an e-mail address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at the number above. If you have submitted your appeal through this Office's online electronic appeal portal, you may also obtain an update on the status of your appeal by logging into your portal account.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Jones".

Priscilla Jones
Supervisory Administrative Specialist

Wahl HE

foia
AG ENB

RECEIVED

NOV 13 2015

Office of Information Policy

James Henry
WhoWhatWhy.org



October 23, 2015

Melanie Ann Pustay
Director, Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

FOIA REQUEST ADMINISTRATIVE APPEAL

Re: AG/15-05749 (F)
VRB:ERH

Dear Director,

This is an appeal under the Freedom of Information Act.

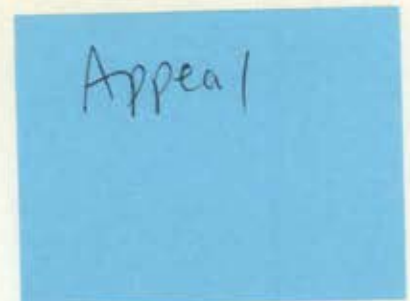
On August 25, 2015, I requested documents under the Freedom of Information Act. On October 1, 2015, I received a response to my request in a letter signed by Vanessa R. Brinkmann, dated September 30, 2015. I appeal the denial of my request.

Brinkmann cited exemption 7(C) of the FOIA as the reason for denial stating:

"With respect to the named individual, lacking their consent, an official acknowledgment that he is currently subject to Special Administrative Measures, or an overriding public interest, even to acknowledge the existence of such records pertaining to this individual could reasonably be expected to constitute an unwarranted invasion of his personal privacy."

However, the public's interest to understand the specific reasons behind why the SAMs have been imposed on the individual in question clearly outweighs any minimal privacy interest of the individual.

Appeal



According to the DOJ, Tsarnaev was not part of a wider conspiracy. As such, the public has a desire and a right to know why this particular individual is being confined under conditions typically imposed on inmates with known criminal associations.

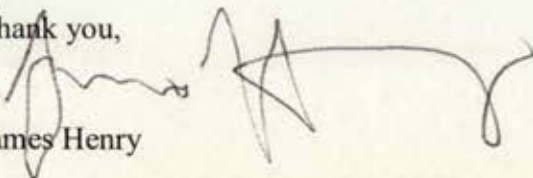
Additionally, the DOJ by way of the BOP has already acknowledged (**see attached letter** from USP Florence ADMAX) that SAMs are in fact currently imposed on Tsarnaev.

Therefore, it is the SAMs themselves which prevent any opportunity to ask Tsarnaev whether he has privacy concerns related to the public finding out why SAMs are still being imposed on him. This Kafkaesque situation does not hold up against basic logic.

The public's right to know the government's reasoning behind the imposition of SAMs clearly outweighs any nebulous concerns Tsarnaev may or may not have about protecting his personal privacy.

Thank you,

James Henry

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned to the right of the typed name "James Henry".