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on the front lines for social justice

September 13, 2010

Commandant (CG-611)
US Coast Guard
ATTN: FOIA/PA Officer
2100 2nd St SW STOP 7101
Washington DC 20593-7101

Re: **FREEDOM OF INFORMATION ACT APPEAL – Case No. 10-2771**

Dear FOIA Officer,

On June 30, 2010, the Center for Constitutional Rights (“CCR”) filed a request for information under the Freedom of Information Act (“FOIA”) *inter alia* “seeking all records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs, that reflect, relate or refer to... the May 31, 2010 Israeli military operation that occurred in international waters in the Mediterranean Sea involving a six-boat flotilla headed to Gaza with humanitarian supplies, including the U.S.-registered ‘*Challenger I*’ and the Comoros-registered ‘*Mavi Marmara*,’ which was forcefully intercepted by the Israeli Defense Forces, resulting in the death of 9 passengers on board the *Mavi Marmara* including one U.S. citizen and the injury of many more.” See Exhibit A. (“Request”).

In a letter dated July 19, 2010, and post-marked July 27, 2010, the Coast Guard issued a response, stating that Ms. Dawn Patterson, Chief, FOIA and Data Administration Division, had “searched for any references to ‘Gaza’, ‘flotilla’, ‘Israel’, the vessels ‘CHALLENGER’ or ‘MAVI MARMARA’, ‘military’, ‘mayday’, ‘injury’ or ‘casualty,’” but was unable to locate or identify any responsive records. The Coast Guard termed this a “final response” claiming that it had conducted “an adequate search.” See Exhibit B. (“CG Response”).

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552(a)(6), CCR hereby appeals the Coast Guard’s determination that Coast Guard does not have any responsive records to its Request.

The Coast Guard Has Failed to Demonstrate the Adequacy of its Search.

Contrary to its assertions otherwise, the Coast Guard cannot be reasonably deemed to have performed an adequate search and has not demonstrated that “all files likely to contain responsive materials . . . were searched,” *Oglesby v. Dep’t of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990). As an initial matter, the CG Response indicates that only the “FOIA and Data

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Administration Division (CG-5453)” was searched for records responsive to our Request. As the organization overview of the Coast Guard demonstrates, this division is but one of numerous divisions of the Coast Guard, and apparently all other divisions were not searched for responsive records. In light of the request for information about a U.S.-registered vessel in international waters, about the fate of U.S. passengers in an area where the United States has a presence and a policy, and taking into account the Coast Guard’s mission includes the registration of vessels, defense readiness and law enforcement, that it has participated in international missions, and is integrated with Department of Defense planning and operations, the following offices, for example, would appear to possibly include records receptive to the Request: Intelligence and Criminal Investigations; Office of International Affairs and Foreign Policy; Office of Law Enforcement (CG-531); Office of Counterterrorism & Defense Operations (CG-532) including the National Defense Strategy Division (CG-5321); Prevention Policy Directorate (CG-54); and the National Vessel Documentation Center. The CG Response provides no explanation of why it conducted such a narrow and limited search; the Request provided no basis for drawing such narrow parameters for the search. The Freedom of Information Act requires that each agency search for all relevant records described in our Request, which may be found within the agency as a whole. Accordingly, the search did not fulfill the most basic requirements for an adequate search as this search was not one that could be “reasonably calculated to uncover all relevant documents.” *Weisberg v. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

Additionally, the Coast Guard has the duty to demonstrate that it exercised all reasonable efforts to ensure that the agency included what was requested in the search conducted. *See Amnesty Int’l USA v. CIA*, No. 07 Civ. 5435, 2008 U.S. Dist. LEXIS 47882 at *37 (S.D.N.Y. June 19, 2008) (citing authorities). CCR “reasonably described” the information we sought in the Request, and the Coast Guard did not seek clarification about the nature or scope of the Request. Agencies may not “read the request so strictly that the requester is denied information the agency well knows exists in its files, albeit in a different form from that anticipated by the requester.” *Id.* (quoting *Hemenway v. Hughes*, 601 F. Supp. 1002, 1005 (D.D.C. 1985)). The search words the Coast Guard used were not clearly exhaustive. It only used nine specific search terms, and failed to use other words relevant to the Request, such as “block” “blockade” “NATO” or “Israeli” “IDF” or the date in question, all important items mentioned in the Request. There is also no indication whether these words were used alone or together or what date(s) were used for the search. According to the letter the Coast Guard also failed to use the correct name of the U.S. registered boat, using “*Challenger*” instead of “*Challenger I*.” Indeed, that a vessel registered by the Coast Guard – the *Challenger I* – was not responsive to the search conducted demonstrates the narrowness and insufficiency of the search.

Furthermore, the information that the Coast Guard has provided about the search processes contains neither meaningful detail that would allow CCR to discern whether an adequate search has been conducted nor enough information to enable CCR to challenge the procedures that were used. *Nation Magazine v. U.S. Customs Serv.*, 71 F.3d 885, 890, 892 (D.C. Cir. 1995) (holding that the agency had not provided sufficient information “to allow [] review of the adequacy of [its] search); *Weisberg v. Dep’t of Justice*, 627 F.2d 365, 371 (D.C. Cir. 1980)

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(requiring a reflection of a systematic approach to document location, and providing specific enough information to enable the requester to challenge the procedures used.) The Coast Guard provided limited information about the search process itself. For example, it provided no information about whether the search was conducted electronically or by hand and no indication regarding how the agency would find responsive records not in the most likely case files. Ms. Patterson's letter also does not indicate if there was any systematic approach to locating the documents requested. *Weisberg v. Dep't of Justice*, 627 F.2d 365, 371 (D.C. Cir. 1980)

While an agency's search for records must be reasonable, we recognize that it does not have to be perfect. *Amnesty Int'l USA v. C.I.A.*, No. 07 Civ. 5435, 2008 U.S. Dist. LEXIS 47882, at *27 (quoting *Garcia v. Dep't of Justice*, 181 F.Supp. 2d 356, 368 (S.D.N.Y. 2002)). What is important is whether "the search was reasonably calculated to discover the requested documents, not whether it actually uncovered every document extant . . ." *Grand Cent. P'ship, Inc. v. Cuomo*, 166 F.3d 473, 489 (2d Cir. 1999). Reasonableness is looked at within the context of each particular request. See *Davis v. U.S. Dep't of Justice*, 460 F.3d 92, 103 (D.C. Cir. 2006); *Weisberg v. U.S. Dep't of Justice*, 745 F.2d 1476, 1485 (D.C. Cir. 1984). The agency must set forth in an affidavit why a search of other some record systems, but not others, would lead to the discovery of responsive documents. See *Oglesby v. U.S. Dep't of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990). *Amnesty International et al. v. CIA et al.*, 2010 U.S. Dist. LEXIS 78659 at 11, August 2, 2010. Ms. Patterson's letter, the CG Response, only notes that the FOIA and Data Administration Division files were checked. From this response, it is unclear whether the Coast Guard made any determination about whether there are more appropriate records systems or other record systems aside from this Division that could have been searched. Our review of the agency's structure clearly suggests that there are.

* * *

In closing, CCR requests that you make an adequate and reasonable search for the records we requested. The searches conducted were incomplete and even appear designed to be incomplete, and the process and results are inadequately described. The Coast Guard must conduct a reasonable search for all responsive documents. Requesters note that many government officials involved in classification determinations have been increasingly concerned over the past few years about the over-classification of information that results in less public accountability for government conduct.¹ Accordingly, we demand that your office engage in an

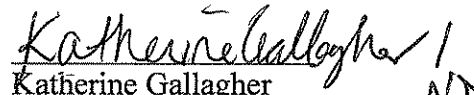
¹ The over-classification of documents was an issue cited by the 9/11 Commission in its final report as one factor impairing the efficient and effective sharing of information with the American public. See The 9/11 Commission Report, Final Report of the National Commission on Terrorist Attacks Upon the United States, 417 ("Current security requirements nurture overclassification and excessive compartmentation of information among agencies"); see also Memorandum from Lawrence J. Halloran to Members of the Subcommittee on National Security, Emerging Threats, and International Relations, *Briefing Memorandum for the hearing, Emerging Threats: Overclassification and Pseudo-classification, scheduled for Wednesday, March 2, 1:00 p.m., 2154 Rayburn House Office Building*, Feb. 24, 2005

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adequate and diligent effort to properly designate information, to disclose all responsive documents not properly subject to a FOIA exemption, and to comply with your obligations to provide segregable information when necessary.

We request a response to this appeal with twenty (20) working days.

Sincerely,


Katherine Gallagher ND
Senior Staff Attorney
Center for Constitutional Rights
666 Broadway, 6th Floor
New York, NY 10012
Phone: (212) 614-6455

(noting that the Information and Security Oversight Office's 2003 Report to the President found that "many senior officials will candidly acknowledge that the government classifies too much information, although oftentimes the observation is made with respect to the activities of agencies other than their own").

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EXHIBIT A

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June 30, 2010

By Email: EFOIA@uscg.mil

Donald G. Taylor
United States Coast Guard
HQ USCG Commandant, CG-611
2100 2nd Street, S.W.
Washington, D.C. 20593-7101

Re: Freedom of Information Act Request

Dear Mr. Taylor:

The Center for Constitution Rights (CCR) ("Requester") makes this request for information regarding the May 31, 2010 Israeli military operation that occurred in international waters in the Mediterranean Sea involving a six-boat flotilla headed to Gaza with humanitarian supplies, including the U.S.-registered "*Challenger F*" and the Comoros-registered "*Mavi Marmara*," which was forcefully intercepted by the Israel Defense Forces, resulting in the death of 9 passengers on board the *Mavi Marmara*, including one U.S. citizen, and the injury of many more,¹ pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Sec. 552 *et seq.*, and U.S. Department of Homeland Security FOIA Regulations, 6 C.F.R. Part 5.

Specifically, CCR seeks all records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs, that reflect, relate or refer to:

- (1) Any and all records since January 1, 2010 that relate to and reflect any and all plans, reports, documents, discussions, meetings, or other communications, whether in person, by phone, mail, instant message, email, or any other method, that mention, refer or relate to any vessels or a flotilla of boats destined for Gaza in May 2010,

¹ For more information on the attack on the May 31, 2010 attack on the flotilla, see, e.g., "*Deaths as Israeli forces storm Gaza aid ship*," BBC News, May 31, 2010, available at: http://news.bbc.co.uk/2/hi/middle_east/10195838.stm; J. Zacharia, "*Israeli troops raid aid flotilla headed for Gaza, killing nine*" Washington Post, June 1, 2010, available at: "*Security Council Condemns Acts Resulting in Civilian Deaths During Israeli Operation*," Security Council, SC/9940, May 31, 2010, available at: <http://www.un.org/News/Press/docs/2010/sc9940.doc.htm>.

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including the U.S.-flagged *Challenger I*. This request includes, but is not limited to records reflecting communications with inter-governmental organizations, such as the North Atlantic Treaty Organization (NATO), foreign governments, including the Government of Israel, and any communications with other agencies, departments or divisions of the United States, including but not limited to any communications which relate to possible, planned, or executed actions by the U.S. government in the Mediterranean Sea in response to Israel's military operations at sea;

This request also includes but is not limited to:

- (2) Any and all records reflecting communications, in any format, with the Israel Defense Forces, or any other division, department or representative of the Government of Israel, prior to, on, or after May 31, 2010 in relation to the U.S.-registered *Challenger I*, including any requests, notices or indications from the Israeli government, including by and through the IDF, of its intentions to block, board or otherwise redirect the U.S.-registered vessel to a destination other than its intended destination of Gaza, and any responses to such requests, notices or indications of actions by the Israeli government;
- (3) Any and all records reflecting communications, in any format, with the Israel Defense Forces, or any other division, department or representative of the Government of Israel, prior to, on, or after May 31, 2010 in relation to vessels included in the flotilla of boats destined to Gaza in May 2010, other than the U.S.-registered *Challenger I*, including any requests, notices or indications from the Israeli government, including by and through the IDF, of its intentions to block, board or otherwise redirect any vessel to a destination other than its intended destination of Gaza, and any responses to such requests, notices or indications of actions by the Israeli government;
- (4) Any and all records reflecting communications in any format, with the Israel Defense Forces, or another other division, department or representative of the Government of Israel, on or after May 31, 2010, in relation to the actions that occurred on board each of the six boats of the flotilla, including the U.S.-registered "*Challenger I*" and the "*Mavi Marmara*," including but not limited to information regarding the status of U.S. and non-U.S. passengers, including the injured and the dead, while on board the vessels or in Israel, including in detention or medical facilities or other facilities, following the interception of the flotilla by Israel;
- (5) Any and all records reflecting communications in any format, with the Israel Defense Forces, or another other division, department or representative of the Government of Israel, on or after May 31, 2010 in relation to whereabouts, condition and status of the *Challenger I*, including the property on board that vessel and/or belonging to the passengers on board that vessel, and its return;

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- (6) Any and all records reflecting communications in any format, with the Israel Defense Forces, or another other division, department or representative of the Government of Israel, on or after May 31, 2010 in relation to whereabouts, condition and status of vessels included in the flotilla of boats destined to Gaza in May 2010, other than the U.S.-registered *Challenger I*, including the property on board each vessel and/or belonging to the passengers on board that vessel, and its return;
- (7) Any and all records reflecting communications, including but not limited to the transmission or exchange of instructions, guidelines, policy statements or standard operation procedures, in any format, with the Israel Defense Forces, or another other division, department or representative of the Government of Israel, on or after May 31, 2010 in relation to the preservation and safeguarding of any and all possible evidence or materials seized by or in the possession of Israel from, related to or relevant to the incident, including but not limited to computers, cameras, cell phones, SIM cards, personal devices, computer disks or memory chips, hard drives or other such devices, so as to ensure that evidence has not been destroyed, tampered with, altered or otherwise rendered suspect or unusable in any and all subsequent investigatory proceedings, including but not limited to criminal, civil or administrative proceedings; and
- (8) Any and all records, including but not limited to plans, reports, communications, instructions and documents since at least June 1, 2007 that relate to U.S. actions, policies, procedures or guidelines in relation to interception, inspection, safe-passage or any other action or response to vessels in the Mediterranean Sea that have as their destination Gaza, including but not limited to vessels undertaking humanitarian missions in response to the Israeli blockade of Gaza.

Please search for responsive records regardless of format, medium, or physical characteristics. Where possible, please produce records electronically, in PDF or TIF format on a CD-ROM. We seeks records of any kind, including electronic records, audiotapes, videotapes, photographs, including satellite imagery where available, and back-up tapes. Out request includes any telephone messages, voice mail messages, daily agenda and calendars, information about scheduled meetings and/or discussions, whether in-person or over the telephone or via video-conference, agendas for those meetings and/or discussions, participants included in those meetings and/or discussions, minutes of any such meetings and/or discussions, the topics discussed at those meetings and/or discussions, email regarding meetings and/or discussions, email, facsimiles, cables or other communications sent as a result of those meetings and/or discussions, and transcripts and notes of any such meetings and/or discussions to the extent they relate to the aforementioned requested information.

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The Requester

The Center for Constitutional Rights ("CCR") is a not-for-profit, public interest, legal, and public education organization that engages in litigation, public advocacy, and the production of publications in the fields of civil and international human rights. CCR's diverse dockets include litigation and advocacy related to human rights in times of armed conflict or occupation, as well as the protection of human rights defenders. CCR is a member of human rights networks nationally and internationally, and provides legal support to human rights defenders and movements. One of CCR's primary activities is the publication of newsletters, know-your-rights handbooks, legal analysis of current international law issues, and other similar materials for public dissemination. These and other materials are available through CCR's Development, Communications, and Education & Outreach Departments. CCR operates a website, www.ccrjustice.org, which addresses the issues on which the Center works. The website includes material on topical civil and human rights issues and material concerning CCR's work. All of this material is freely available to the public. In addition, CCR regularly issues press releases and operates a listserv of over 50,000 members and issues "action alerts" that notify supporters and the general public about developments and operations pertaining to CCR's work. CCR staff members often serve as sources for journalist and media outlets, including on international human rights.

Fee Waiver

CCR qualifies as a "representative[] of the news media" and the requested records are not sought for commercial use. Accordingly, we request a waiver of fees on the grounds that disclosure of the requested records is in the public interest and because disclosure "is likely to contribute significantly to the public understanding of the activities or operations of the government and is not primarily in the commercial interest of the requester[s]." 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 6 C.F.R. § 5.11(k) (records furnished without charge if the information is in the public interest, and disclosure is not in the commercial interest of institution). *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

The Requesters have a proven track-record of compiling and disseminating information to the public about government functions and activities, including the government's record and position on international human rights and policy matters, and plans to disseminate any information disclosed as a result of this FOIA request through the channels described above. The Requesters have undertaken this work in the public interest and not for any private commercial interest. Similarly, the primary purpose of this FOIA request is to obtain information to further the public's understanding of the U.S. government's role in, and response, to an international incident which involved U.S. citizens, U.S. property, including a vessel registered in accordance with international regulations and entitled to certain protections under domestic and international

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law, and has involved the United States in formulating an international response to both the May 31, 2010 attack on the flotilla and the blockade of Gaza. As such, the subject of this request concerns the operations of the federal government and expenditures, and the disclosures will likely contribute to a better understanding of relevant government procedures by CCR and the general public in a significant way.

The public has an interest in knowing about the manner in which the federal government prepared for, and responded to, information regarding a possible attack on the flotilla destined for Gaza in May 2010. The public further has an interest in knowing what steps the United States took, and continues to take, in securing the rights and protections of U.S. citizens, and their property vis-à-vis a foreign military, and what steps the United States took to ensure that civilians of all nationalities engaged in stated humanitarian missions are protected from attack, in accordance with domestic policies and laws, and international humanitarian law.

The public further has an interest in knowing what the United States policy was, and is, in relation to the blockade of Gaza, including in relation to the list of prohibited goods including but not limited to spices, toys and candy that do not have a military purpose, and the delivery of humanitarian assistance to the civilian population of Gaza.

As stated above, the Requesters have no commercial interest in this matter. The Requesters will make any information that they receive as a result of this FOIA request available to the public, including the press, at no cost. Disclosure in this case therefore meets the statutory criteria, and a fee waiver would fulfill Congress' legislative intent in amending FOIA. *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers of noncommercial requesters.'").

Alternatively, we request a limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) ("[F]ees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by . . . a representative of the news media."). CCR is an "entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." *National Security Archive v. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Publishing and disseminating information are some of our primary activities. As a "representative of the news media," we fit within this statutory and regulatory mandate. Therefore, fees associated with the processing of this Request should be limited accordingly.

Expedited Processing

Expedited processing of this request is required because there is a "compelling need" for the information. 5 U.S.C. § 552(a)(6)(E)(i)(I). A "compelling need" is established when there exists an "urgency to inform the public concerning actual or alleged Federal Government

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activity,” when the requester is a “person primarily engaged in disseminating information,” 6 C.F.R. § 5.5(d)(ii).

There is an urgent need to inform the public of the policies, procedures, guidelines, action, responses or instructions given by the federal government to agencies, departments or divisions, about preparation, participation or reaction to attacks on U.S.- registered boats in international waters, to vessels with U.S. citizens onboard, or to vessels with civilians, including but not limited to civilians transporting humanitarian supplies. This request is urgent in that U.S. citizens or U.S.-registered vessels must know the support, protection, reactions and any actions or inactions they can expect from the United States government in the event that they are subject to attack, detention or deportation.

Further, in light of pending international investigations, whether criminal, civil or disciplinary in nature, and in light of the U.S. position, involvement or assistance in relation to such an investigation,² there is an urgent need to inform the public of the policies, procedures, requests, demands or any other responses, actions or inactions, the United States has made to the government of Israel to safeguard evidence gathered in relation to the May 31, 2010 attack on the flotilla, including but not limited to the preservation of property in its original form seized by the government of Israel including but not limited to computers, cameras, cell phones, personal devices that have memory chips, hard drives or other such devices, and to ensure that evidence has not been destroyed, tampered with, altered or otherwise rendered suspect or unusable in subsequent investigatory proceedings. In light of the announced Israeli investigation and the commencement of work by that investigation commission,³ this matter is urgent.

The Requester certifies that the above information is true and correct to the best of the Requesters' knowledge. See 6 C.F.R. § 5.5(d)(3).

Conclusion

If this Request is denied in whole or in part, CCR ask that the United States Coast Guard justify all deletions by reference to specific exemptions of FOIA. The Requester expects the Coast Guard to release all segregable portions of otherwise exempt material, and reserves the right to appeal a decision to withhold any records or to deny the within application for expedited processing and waiver of fees.

² Statement by the President of the Security Council, S/PRST/2010/9, June 1, 2009, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/382/79/PDF/N1038279.pdf?OpenElement> (calling for “a prompt, impartial, credible and transparent investigation conforming to international standards”).


³ See, “Statement by the Press Secretary on Israel's investigation into the flotilla incident,” The White House, Office of the Press Secretary, June 13, 2010 available at: <http://www.whitehouse.gov/the-press-office/statement-press-secretary-israels-investigation-flotilla-incident>; I. Lemberg, “Israel opens official probe into deadly flotilla raid,” CNN, June 28, 2010 available at: <http://www.cnn.com/2010/WORLD/meast/06/28/israel.raid.commission/index.html>

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If you have any questions regarding the processing of this request, please contact me at (212) 614-6455. Also, if CCR's request for a fee waiver is not granted in full, please contact me immediately upon making such determination. Please furnish all applicable Records to: Katherine Gallagher, Staff Attorney, Center for Constitutional Rights, 666 Broadway, 7th Floor, New York, N.Y. 10012.

Thank you for your prompt attention to this matter.

Sincerely,



Katherine Gallagher
Staff Attorney
Center for Constitutional Rights
666 Broadway, 6th Floor
New York, NY 10012
Phone: (212)614-6455

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EXHIBIT B

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W. Stop 7581
Washington, DC 20593-7581
Staff Symbol: CG-5453
Phone: (202) 372-1282
Fax: (202) 372-1922
Email: Dawn.Patterson@uscg.mil

5720
FOIA 10-2771
July 19, 2010

Ms. Katherine Gallagher
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012-2399

Dear Ms. Gallagher:

This letter is the final response to your June 30, 2010 Freedom of Information Act (FOIA) request addressed to the U.S. Coast Guard (USCG). You requested information regarding the May 31, 2010 Israeli military operation that occurred in the Mediterranean Sea involving a six-boat flotilla. You requested any and all records since January 1, 2010 that related to and reflect any and all plans, reports, documents, etc. that mention or relate to any vessels or a flotilla of boats destined for Gaza in May 2010. Your request includes but is not limited to any and all records reflecting communications in any format with the Israel Defense Forces, or any other division, department or representative of the Government of Israel prior to, on or after May 31, 2010 in relation to the U.S. registered vessel CHALLENGER I or any vessel in the flotilla. Your request was received in this office on July 13, 2010.

We conducted a comprehensive search of files within the FOIA and Data Administration Division (CG-5453) for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records. We searched for any references to "Gaza", "flotilla", "Israel", the vessels CHALLENGER or MAVI MARMARA, "military", "mayday", "injury" or "casualty". This search was conducted on July 15, 2010 by Ms. Dawn Patterson, Chief, FOIA and Data Administration Division.

While an adequate search was conducted, you have the right to appeal this determination that no records exist within the Data Administration Division that would be responsive to your request. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to:

COMMANDANT (CG-611)
US COAST GUARD
ATTN: FOIA/PA OFFICER
2100 2ND ST SW STOP 7101
WASHINGTON DC 20593-7101

Following the procedures outlined in the DHS FOIA regulations at 6 CFR § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.

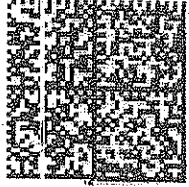
If you need to contact our office concerning this request, please contact Ms. Dawn Patterson at the email address of phone number above.

Sincerely,

A handwritten signature in cursive script that reads "D. Patterson". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

D. PATTERSON
Chief, Data Administration Division
U.S. Coast Guard
By direction

COMMANDANT (CG-5453)
US COAST GUARD
2100 2ND ST SW STOP 7581
WASHINGTON DC 20593-7581



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07/27/2010

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MS. KATHERINE GALLAGHER
CENTER FOR CONSTITUTIONAL RIGHTS
666 BROADWAY, 7TH FLOOR
NEW YORK, NY 10012-2399

