



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUL 22 2011

Ms. Katherine Gallagher
Staff Attorney
Center for Constitutional Rights
666 Broadway, 6th Floor
New York, NY 10012

Re: AG/11-00958 (F)
DAG/11-00959 (F)
ASG/11-00960 (F)
CLM:LAD:JBG

Dear Ms. Gallagher:

This is to acknowledge receipt of your letter dated June 30, 2010, in which you requested various records concerning a six-boat flotilla headed to the Gaza Strip which was intercepted by the Israeli Defense Forces in the Mediterranean Sea in May 2010. Although your letter indicates that it was directed to the Mail Referral Unit, Justice Management Division, it was provided directly to this Office through the Department's counsel in Center for Constitutional Rights, Inc. v. Department of Defense et al., No. 11-3533 (S.D.N.Y.) As such, your request was not deemed received by this Office until July 12, 2011. This response is made on behalf of the Offices of the Attorney General, Deputy Attorney General, and Associate Attorney General.

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." See 28 C.F.R. § 16.5(d)(ii) (2010). Based on the information you have provided, I have determined that your request for expedited processing under this standard should be denied. The primary activity of your organization does not appear to be information dissemination, which is required for a requester to qualify for expedited processing under this standard. Additionally, you have requested expedited processing of your request pursuant to the Department's standard involving the "loss of substantial due process rights." See id. § 16.5(d)(iii). Based on the information you have provided, I have determined that your request for expedited processing under this standard also should be denied. Courts are reluctant to grant expedited processing unless a requester can show (1) "that [he] is facing grave punishment [in a criminal proceeding], and (2) that there is reason to believe information will be produced to aid the individual's defense." Freedman v. United States Department of Justice, No. 92-0557, slip op., at 4 (D.D.C. Oct. 2, 1992). Neither of these circumstances are present here. Please be advised that although your request for expedited processing has been denied, it has been assigned to a FOIA Specialist in this Office, and records searches have been initiated in the Offices of the Attorney General, Deputy Attorney General, and Associate Attorney General.

We have not yet made a decision on your request for a fee waiver. We will do so after we determine whether fees will be assessed for this request.

I understand your request has also been forwarded by Department counsel to the Criminal Division and the Federal Bureau of Investigation for processing and direct response to you.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Carmen L. Mallon", followed by a horizontal line extending to the right.

Carmen L. Mallon
Chief of Staff