

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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|-----------------------------|---|------------------------------------|
| |) | |
| JEREMY BIGWOOD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 1:11-cv-00602-KBJ |
| |) | Hon. Ketanji Brown Jackson |
| UNITED STATES DEPARTMENT OF |) | |
| DEFENSE and CENTRAL |) | |
| INTELLIGENCE AGENCY, |) | |
| |) | |
| Defendants. |) | |
| |) | |

**DECLARATION OF JEREMY BIGWOOD IN OPPOSITION
TO DEFENDANT DOD’S MOTION FOR SUMMARY JUDGMENT**

I, Jeremy Bigwood, declare as follows:

1. I am the Plaintiff in this action. I make this declaration, based on my own personal knowledge and on the documents described below, in opposition to the motion of Defendant United States Department of Defense (“DOD”) for summary judgment.

Background

2. I am a freelance investigative journalist, researcher and photojournalist. I spent a decade covering the Central American civil wars from 1984 to 1994, and I have retained an interest in Central American political and military developments and the involvement of the United States government in such developments. In 2000, I received a grant from the John D. and Catherine T. MacArthur Foundation to study American-backed development of toxic fungi to eliminate illicit drug crops in countries such as Colombia. My work has been published in the American Journalism Review, the Village Voice, Huffington Post and many other

American publications, as well as overseas. I reside in the District of Columbia and I often utilize the Freedom of Information Act (“FOIA”) as part of my research and investigation.

My FOIA Requests

3. On July 1, 2009, I submitted a FOIA request to the United States Southern Command (“Southcom”), which is a component of DOD, seeking records concerning the June 28, 2009 coup d’état that forcibly removed Honduran President Manuel Zelaya from office and flew him out of the country through the Soto Cano military air base. A true copy of my July 1, 2009 FOIA request (the “Coup d’État Request”) is attached hereto as **Exhibit A**. In the request itself I requested expedited processing.

4. The Coup d’État Request sought records concerning “observations or reports about the activities of the Honduran Armed Forces with respect to the coup – as well as the coup itself. This would definitely include any records of the passage of the kidnapped president through any military bases, such as Soto Cano... [and] any reports about the impending [sic] coup d’état before it actually took place.” In addition, the Coup d’État Request specifically sought “inter-agency communications to and from USSOUTHCOM, as US officers in Honduras may have been informing other US government entities about the coup.”

5. The purpose of Coup d’État Request was, in part, to determine whether and to what extent the United States military played a role in ousting President Zelaya. Commentators have suggested that the U.S. was becoming increasingly distressed over President Zelaya’s emerging alliance with leftist governments, in particular his growing ties to Hugo Chavez of Venezuela. *See, e.g.,* Juan Forero, “Honduran Crisis Offers Venezuela’s Chavez Some Domestic, International Openings,” *Washington Post*, July 2, 2009, available at <http://wapo.st/1kC5PNI>; Eva Golinger, “US Involvement in Honduran Coup,” July 7, 2009,

available at <http://bit.ly/1ohPvTN>. Noting that “the U.S. has a controversial history of backing coups in Central America,” the Wall Street *Journal* reported on the day after the coup that the Obama Administration had been aware of the impending crisis for “weeks”—though it stopped short of suggesting that the U.S. affirmatively backed the plotters. Paul Kiernan, et al., “Coups Rocks Honduras,” Wall Street *Journal*, June 30, 2009, available at <http://on.wsj.com/1idfmdo>.

6. The fact that President Zelaya was flown out of the country via Soto Cano—where some 600 U.S. troops were stationed under the command of Joint Task Force Bravo—and the fact that the U.S., unlike other nations in the Americas, declined to withdraw its ambassador or cut off aid to Honduras, all suggested to me that (at a minimum) our military may have had early knowledge of the coup and/or facilitated the plan to remove Zelaya from the country. *See* John Lamperti, “Honduras: Lessons from the Coup,” *Truth-Out*, Aug. 30, 2009, available at <http://bit.ly/1nxUe77>; Robert Naiman, “Wikileaks Honduras: State Dept. Busted on Support of Coup,” *World Post*, Nov. 29, 2010, available at <http://huff.to/1dg1pXN>.

7. According to Southcom’s official website, it is a joint command that encompasses elements from all of the U.S. armed services and is responsible for “contingency planning, operations, and security cooperation” in Honduras and elsewhere in Central and South America. *See* <http://bit.ly/1iV3SyF>. One of Southcom’s subcomponents, Joint Task Force Bravo (“JTF-B”), is headquartered at the Soto Cano air base, where JTF-B “operates a forward, all-weather day/night C-5-capable air base” and “organizes multilateral exercises” with the Honduran military. *See* bit.ly/1d6PBfO. According to the DOD website, Southcom worked closely, in the months leading up to the coup, with General Romeo Vásquez Velásquez, who was Chief of Staff of the Honduran Army Forces and became a key participant in organizing and carrying out the coup. *See* Donna Miles, “Stavridis Praises U.S.-Honduran Cooperation in Confronting Mutual

Threats,” American Forces Press Service, Jan. 30, 2009, available at <http://www.defense.gov/News/NewsArticle.aspx?ID=52881> (discussing January 29, 2009 meeting between Southcom Commander James G. Stavridis and General Vásquez); *see also* Francis Robles, “Honduran General Who Led Coup Says He Tried to Avoid It,” Miami *Herald*, June 30, 2009, available at <http://bit.ly/OvLuOE> (noting General Vásquez’s role in the coup). These are among the reasons that I submitted my Coup d’État Request directly to Southcom.

8. On July 8, 2009, I submitted a second FOIA request to Southcom, requesting records concerning General Vásquez Velásquez. A true copy of my July 9, 2009 FOIA request (the “RVV Request”) is attached hereto as **Exhibit B**. Once again, I requested expedited processing.

9. I heard nothing from Southcom for sixteen months with respect to either of the two FOIA requests described above. I followed up repeatedly with Southcom’s FOIA officer by mail, email, and telephone, leaving at least six recorded messages before finally reaching the officer, Marco T. Villalobos, on November 29, 2010. During that process I also resubmitted the Coup d’État Request on November 5, 2010 (by email) and November 10, 2010 (by fax and regular mail), and resubmitted the RVV Request on November 26, 2010 (by certified mail). I also made written inquires, on November 5 and 12, 2010, as to the status of the requests.

10. On November 29, 2010, Southcom issued an interim response to the Coup d’État Request, acknowledging receipt and processing of the request, and granting expedition and a fee waiver based on my status as a member of the media. On December 16, 2010, Southcom issued an interim response to the RVV Request, which was similar in form to the November 29 interim response except that it did not mention my request for expedition. True copies of the interim

responses to my Coup d'État Request and my RVV Request are attached hereto as **Exhibits C and D**, respectively.

11. I received no further response to either of my FOIA Requests for the next several months. On February 7, 2011, I filed an administrative appeal with respect to each request. True copies of my letters of appeal with respect to my Coup d'État Request and my RVV Request are attached hereto as **Exhibits E and F**, respectively. Southcom did not respond to my appeals.

12. On March 23, 2011, having exhausted my administrative remedies, I filed this action. I still had not received any documents responsive to either of the two FOIA requests at issue here. Nor had I received any communication from Southcom, regarding either request, beyond the interim responses described above.

DOD's Initial Response

13. On June 20, 2011, DOD produced what it described as a "complete release" of records responsive to the Coup d'État Request. Many of the documents produced were heavily redacted. On July 7, 2011, DOD produced five additional documents, consisting of 26 pages, also heavily redacted, which it described as responsive to the RVV FOIA.

14. After reviewing the 71 documents, consisting of 298 pages, produced in response to both requests (collectively the "First Production"), I became convinced that DOD did not conduct an adequate search. The production did not include any emails, though it seems inconceivable that Southcom personnel did not send or receive a single email concerning the coup d'état. Nor did I see any communications to or from the U.S. Embassy in Tegucigalpa, Honduras.

15. By way of example only, the production did not include a July 9, 2009 unclassified cable (the "Timeline Cable") from the Embassy to various Southcom

subcomponents, laying out “the Embassy’s time line of political and legal events leading up to the June 28, 2009 coup.” I happened to know about the Timeline Cable because I had previously received a copy of it in response to a different FOIA request that I made to a different agency. I passed my copy of the Timeline Cable along to my attorneys at the Center for Constitutional Rights, so that they could use it in their negotiations with DOD. *See* Declaration of Pamela Spees (“Spees Decl.”), ¶ 11(a) & Ex. F. The entire Timeline Cable, unredacted, is also available on Wikileaks at <http://bit.ly/1g2PodS>.

16. The Timeline Cable is devoted entirely to a description of the coup d’état, including its causes and its aftermath. The document makes repeated references to President Zelaya, and also uses the terms “coup,” “pro-Zelaya,” “anti-Zelaya,” “Romeo Vasquez Velasquez,” “General Vasquez,” “captured,” “arrest,” “removed,” “Air Force base,” “emergency,” “resignation,” “return,” “plebescite” (one of the triggers for the coup was Zelaya’s support of a plebescite, scheduled for June 28, 2009, to measure popular support for convening a Constitutional Assembly to reform the nation’s Constitution), “Supreme Court” (another trigger for the coup was the decision of the Honduran Supreme Court on June 25, 2009, ruling that President Zelaya had acted unlawfully in firing General Vasquez and reinstating Vasquez to his position), and “Costa Rica” (where Zelaya was taken on June 28, 2009).

17. It seems inconceivable that any adequate manual or electronic search of Southcom’s records in response to the two FOIA requests at issue here would have failed to turn up the Timeline Cable.

18. After negotiations between my counsel and DOD’s counsel, DOD agreed to perform a supplemental search. It also agreed to revise certain of the redactions made to the First Production.

DOD’S Supplemental Response

19. On or about September 26, 2013, DOD produced the results of its supplemental search, consisting of 88 additional documents, most of them heavily redacted (the “Second Production”).

20. Thereafter, on December 20, 2013, DOD produced a revised set of documents from its First Production. The revised documents contained Bates numbers (for the first time), and in some cases additional information regarding the redactions, but no new documents (or portions of documents) were produced.

The Inadequacy of DOD’s Search: Missing Documents

21. After reviewing the 88 documents comprising the Second Production, as well as the revised documents from the First Production, I remained convinced that DOD did not conduct an adequate search. Various categories of documents that would have been uncovered by a reasonably designed and executed search simply did not appear. For example:

- a. The Second Production, like the First Production, did not include any emails (or documents identifiable as emails), whether internal to Southcom or sent to or received from any other person or organization.
- b. The Second Production, like the First Production, did not include any communications to or from the U.S. Embassy in Tegucigalpa, Honduras—except for the Timeline Cable, a version of which now appears as the first document in DOD’s Second Production (at Southcom 318-25). *See* Spees Decl. Ex. G. DOD produced the Timeline Cable in this form, as part of its Second Production, only after my counsel notified DOD of the issue—and

sent DOD a copy of the Timeline Cable by email—during the parties’ negotiations. *Id.* ¶ 11(a).

- c. The Second Production, like the First Production, did not include any primary records from Soto Cano Air Base on or around June 28, 2009. That is the date on which President Zelaya was flown out of Soto Cano and taken to Costa Rica against his will—right in front of the 600 U.S. troops stationed at Soto Cano as part of Joint Task Force Bravo. That no primary records exist relating to the incoming or outgoing flight of a deposed foreign leader seems implausible.
- d. The Second Production, like the First Production, contained a number of Situation Reports (“SitReps”) issued by the United States Military Group (“MILGRP”), which is described on the Government’s website as the security assistance office for DOD. *See* <http://1.usa.gov/1fRG8IG>. MILGRP reports to Southcom and is “an integral part of the country team” in Honduras. *Id.* MILGRP SitReps were issued on a daily basis, and many examples were produced by DOD in response to my FOIA requests, all dated on or after June 29, 2009. *See, e.g.*, Spees Decl. Ex. Q (June 29, 2009 SitRep produced as Southcom 1-2). However, DOD did not produce a single SitRep from the day of the coup—June 28, 2009—or from the days or weeks leading up to the coup.
- e. The Second Production included a document entitled “United States Southern Command/US SOUTHCOM Headline News” (Southcom 333-372), dated July 9, 2009. *See* Spees Decl. Ex. R. The document states on its face that it is

a “daily (duty day) compilation of published articles and commentary,” and there is no indication that any of its contents were classified or otherwise required redaction. But DOD did not produce any other issues of “Headline News.” Given that the coup d’état (including its beginning stages and its aftermath) was in the headlines throughout the summer of 2009, an adequate search would have produced multiple issues of “Headline News.”

- f. Both productions included many documents that referenced other documents—received from other Southcom subcomponents, other DOD components, or other agencies—as “source material” for the documents produced. Many of these source documents, although clearly responsive to my FOIA requests, were not themselves produced. For example, a document entitled “Honduras/Zelaya Exile” (Southcom 232-251) states that at 7:00 a.m. on June 28, 2009, the press reported that Zelaya had been arrested, helicoptered to an air base, and flown to Costa Rica via fixed wing aircraft.

See Spees Decl. Ex. H, at Southcom 234. Southcom 234 continues:

JTF-B [Joint Task Force Bravo] J2 [Intelligence, Surveillance and Reconnaissance Directorate] confirmed that a fixed wing aircraft departed Soto Cano Air Base for CRI [Costa Rica] shortly thereafter. No confirmation at that time that the president was on board the aircraft.

* * *

US Embassy has stood up an ECP. JTF-B Joint Operations and Intelligence Center (JOIC) has been stood up. USSOUTHCOM CCIR is activated. NMCC/DOS [National Military Command Center /Department of State] is notified.

Nowhere in either the First or the Second Production, however, is there any sign of the communication from JTF-B confirming that a fixed-wing aircraft

departed Soto Cano for Costa Rica. Nor did DOD produce Southcom's notification to NMCC or to DOS.

- g. Page Southcom 239, in the same document, lists "Key Tasks" for Southcom in connection with the coup, including: "Conduct comprehensive AAR [After Action Report]." *See* Spees Decl. Ex. ___, at Southcom 239. No AAR, however, was produced in response to my FOIA requests.
- h. Many of the documents produced rely on Embassy cables as their source material. For example, Southcom 145-148, which is an October 16, 2009 Intelligence Assessment concerning the coup, cites numerous Embassy cables (including the Timeline Cable described above and produced as Southcom 318-25) as source material. *See* Spees Decl. Ex. P, at Southcom 147-48. But none of the other cables cited in the Intelligence Assessment, or in other Intelligence Assessments, have been produced. Nor has DOD ever explained why—if it is the case—its search methodology permitted it to locate the Timeline Cable but prevented it from finding other cables that were equally responsive to my FOIA requests.

22. I now understand, after reviewing DOD's summary judgment papers, that Southcom developed what appears to be a poorly constructed set of search terms to use in response to my FOIA requests. *See* Declaration of Major Lisa R. Bloom ("Bloom Decl.") ¶ 7. The list includes a misspelling of President Zelaya's first name, which is "Manuel," not "Manual." Further, the list is missing search terms that should have been included, such as President Zelaya's nickname ("Mel"), synonyms for "arrest" ("apprehend," "seize," "hold," and/or "kidnap" come to mind), and terms describing the presidential plane in which Zelaya was

flown out of the county through Soto Cano. The plane was a dark blue Israeli-made IAI-112A-1 Westwind, tail number HR-PHO. *See* “El 28 de Junio, Día Que Cambió La Historia” [June 28, The Day That Changed History], La Prensa, July 18, 2009, available at <http://bit.ly/1fCSgZ3>. An adequate search would have included terms such as “IAI-112A-1,” “Westwind,” and “HR-PHO,” either alone or in conjunction with other terms.

23. The list also appears to be incomplete. Major Bloom states that the search terms “included” those set forth in her declaration, Bloom Decl. ¶ 7, but carefully refrains from representing that she has provided complete information to the Court. Nor does she explain how, if at all, the supplemental search differed from the initial search. *See id.* ¶ 12. Since that supplemental search turned up 88 additional documents (including the Timeline Cable), all located within the same subcomponents that were the subject of the initial search, it must have differed in some way from the initial search. But DOD does not explain what it did differently the second time.

24. Significantly, the search terms listed by Major Bloom consist primarily of multi-word phrases. Bloom Decl. ¶ 7. If DOD searched only for those phrases—as written—many relevant documents would escape the search simply because they used variations on words in DOD’s list, and/or phrases that included the same words but in a different order. For example, if DOD searched for “Zelaya’s arrest,” as stated in the Bloom Declaration, it would miss documents that stated, “Zelaya was arrested,” or “arresting President Zelaya” – not to mention documents using synonyms for “arrest” such as “apprehend,” “seize,” “hold,” or “kidnap.”

25. I cannot tell from DOD’s summary judgment papers whether and to what degree it actually used the listed terms across all of the components and subcomponents it searched. Nor does DOD provide any information about what connectors or Boolean logic it used in its

electronic searches, or what protocols it used to conduct its manual searches. *See* Bloom Decl. ¶¶ 10, 12. At a minimum, all of this information is required before this Court can reach a conclusion as to the adequacy of DOD's search.

26. I rely on the accompanying Declaration of Daniel Regard ("Regard Decl.") to explain the technical inadequacies of DOD's search in more detail, as well as the inadequacies in its explanation of its search techniques. However, the fact that DOD's productions failed to include the documents described above shows, at a minimum, that its electronic search techniques and manual search protocols were poorly designed; that those searches were poorly implemented; and/or that DOD failed to search the relevant Southcom subcomponents and related DOD components for responsive documents.

The Inadequacy of DOD's Search: Missing Components and Subcomponents

27. I now understand, after reviewing DOD's summary judgment papers, that DOD only searched six subcomponents of Southcom: the Intelligence Directorate, the Operations Directorate ("J2"), the Plans Directorate ("J3"), the Public Affairs Office ("PAO"), the Security Cooperation Office ("SCO") at the U.S. Embassy in Tegucigalpa, and Joint Task Force-Bravo ("JTF-B") at Soto Cano Air Base. *See* Bloom Declaration ¶ 8. A number of additional subcomponents—or other components of DOD—should also have been searched.

28. Joint Task Force Bravo itself is comprised of a number of supporting commands and directorates, including the Staff Judge Advocate ("CJA"); Army Forces Battalion ("ARFOR"); Joint Security Forces ("JSF"); Medical Element ("MEDEL"); the 1st Battalion 228th Aviation Regiment ("1-228th"); the 612th Air Base Squadron ("612th") and the Army Support Activity command ("ASA"). These units are all described on the JTF-B website. *See* <http://www.jtfb.southcom.mil/units/>.

29. Southcom 237, which is part of the “Zelaya Exile” document, *see* Spees Decl. Ex. H, states that ARFOR, JSF, MEDEL, 1-228th, 612th and ASA all played a part in Joint Task Force Bravo’s coup-related tasks. Similarly, Southcom 224—which is part of a log of post-coup activity apparently kept by Southcom—notes that ARFOR, ASA, MEDEL, CJA, the 612th, and the Joint Task Force Bravo Commander (“CDR”) held a conference call regarding the coup on July 6, 2009. *See* Spees Decl. Ex. I, at Southcom 224.

30. The Bloom Declaration does not discuss any of these subcomponents, and there is no indication in any of DOD’s summary judgment papers that they were separately searched—nor that any search was conducted of the records of the Joint Task Force Bravo Commander.

31. DOD apparently did not conduct any search of Air Forces Southern (“AFSOUTH”), which is one of the component commands of Southcom. According to Southcom’s website, AFSOUTH is responsible for “command and control of air activity in the USSOUTHCOM area,” as well as “an Air Force operations group responsible for Air Force forces in the area.” *See* <http://bit.ly/1cQFkEj>. Given that President Zelaya was flown out of his country through a U.S.-staffed military airbase, a reasonable search for records responsive to my FOIA requests should have included AFSOUTH.

32. DOD also did not conduct any search of U.S. Army South (“USARSO”) or U.S. Naval Forces Southern Command (“USNAVSO”), both of which are component commands of Southcom. *Id.*

33. Responsive documents that I received as part of the First Production indicate that AFSOUTH, NAVSO, and USARSO were monitoring Honduras’ political climate immediately following the coup. For example, Southcom 97 (part of the “MILGROUP-Honduras Daily SitRep, 3 AUG 09” document, *see* Spees Decl. Ex. O) states, in the context of security concerns

over pro-Zelaya demonstrations set to begin on August 5th, that “[c]ontingency Site Survey Team members (USARSO, NAVSO, AFSOUTH, JTF-Bravo and MilGp) conducted in-briefs and mission planning together with Embassy RSO personnel.” Given that documents turned over by Southcom indicate that AFSOUTH, NAVSO, and USARSO were all formulating contingency plans to deal with security concerns over pro-Zelaya demonstrations, a reasonable search for records responsive to my FOIA requests should have included all three organizations.

34. As noted above, DOD produced a number of SitReps issued by MILGRP, which reports to Southcom and is “an integral part of the country team” in Honduras.” *See* <http://honduras.usembassy.gov/milgroup.html>. It is not clear, however, whether or to what extent MILGRP was searched for documents responsive to my FOIA requests. DOD’s summary judgment papers do not list MILGRP as one of the subcomponents that was searched. *See* Blooms Decl. ¶¶ 8, 12. However, DOD’s counsel stated in a January 10, 2014 letter (Spees Decl. Ex. L), that MILGRP was searched, but only to locate “all daily situation reports during the relevant timeframe.”

35. Had MILGRP been searched in its entirety, DOD would presumably have located and turned over the source materials used by MILGRP to produce its responsive SitReps. Much of that source material (including numerous responsive Embassy cables, as discussed above) is also directly responsive to my FOIA requests

36. I understand that under 32 C.F.R. § 286.23, which governs FOIA responses by the DOD, the DOD component receiving a FOIA request is expected not only to search its own records but to forward that request to other DOD components that may have responsive information. DOD has complied with this policy in the past. For example, when I sent a FOIA request to USARSO for record concerning flights in and out of Soto Cano air base on June 28,

2009, USARSO forwarded the request to the 612th Air Base Squadron—which as noted above is a subcomponent of Joint Task Force Bravo—because the 612th “may have information pertaining to your request.” A true copy of the letter from USARSO, dated February 10, 2011, is attached hereto as **Exhibit G**.

37. As discussed above, Southcom 234 states that the NMCC (sometimes known as the DOD “war room”) was notified of the coup. See <http://www.defense.gov/about/dod101.aspx>. DOD never produced that NMCC notification, nor any other NMCC documents pertaining to the coup or General Vásquez. Nor, insofar as can be determined from DOD’s summary judgment papers, did it ever seek such documents. A reasonable search for records responsive to my FOIA requests, conducted in accordance with 32 C.F.R. § 286.23, would have included the NMCC.

Conclusion

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on March 17, 2014, at Washington, D.C.

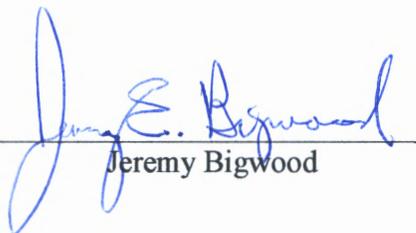

Jeremy Bigwood

EXHIBIT A

Jeremy Bigwood
Investigative Journalist and Photojournalist

3200 16th St. NW #806
Washington, DC 20010
(202) 319-9150, 361-5000 jeremybigwood@gmail.com

EXPEDITED FREEDOM OF INFORMATION ACT REQUEST

Honduras: coup against President Manuel Zelaya

Captain Marco Tulio Villalobos
United States Southern Command
Attn: SCJ1-A/FOIA
3511 NW 91st Av
Miami FL 33172-1217

Wednesday, July 1st, 2009

Dear Captain:

This is a FOIA request and a request for expedited service regarding all records relating to:

The coup against Honduras' President Manuel Zelaya.

Please look for records starting with the date May 1st, 2009 until the time your Agency starts to process this request.

The records I seek should include any observations or reports about the activities of the Honduran Armed Forces with respect to the coup – as well as the coup itself. This would definitely include any records of the passage of the kidnapped president through any military bases, such as Soto Cano – which has a significant US presence.

This request also includes any reports about the impending coup d'état before it actually took place.

Please don't send me a "no records" response – USSOUTHCOM would have been remiss not to have covered this in excruciating detail.

Jeremy Bigwood
Investigative Journalist and Photojournalist

3200 16th St. NW #806
Washington, DC 20010
(202) 319-9150, 361-5000 jeremybigwood@gmail.com

I am also interested in inter-agency communications to and from USSOUTHCOM, as US officers in Honduras may have been informing other US government entities about the coup.

I would like this request to be processed under the "representative of the news media" category, which entitles me to a waiver of costs accumulated during the actual search and review process. I understand that in order to comply with the requisites of the "freelance" category of the "representative of the news media" requirements of the FOIA, which entitle me to gratuitous searches of your archives, I must offer you proof of said status. However, in accordance with the principles and spirit of the Paperwork Reduction Act (PRA) of 1995, whose stated goals are "to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public...", in lieu of sending you photocopies to attest to my due inclusion into this status, I include the following Internet URL (http://jeremybigwood.net/JBsPUBS/Articles4FOIA.htm#*) where digital facsimiles of articles I have published can be found. These articles alone are sufficient to fulfill the stated requirements and clearly bestow upon me "representative of the news media" status. You will note that I also publish whole FOIA responses from various US government entities at: (<http://jeremybigwood.net/FOIAs/FOIA.htm>).

I believe that disclosure of the requested information to me is in the public interest because it is a breaking news story, and, as such is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. For this reason I request a waiver of all fees. However, in the event that fee waiver is not granted, I agree to pay all photocopying costs in excess of 100 pages up to \$100.00. My preference, however, is to receive digital versions of these documents, if they indeed exist.

Expedited processing

Jeremy Bigwood
Investigative Journalist and Photojournalist

3200 16th St. NW #806
Washington, DC 20010
(202) 319-9150, 361-5000 jeremybigwood@gmail.com

Finally, I am also asking that this request be subjected to expedited processing, because there is a “compelling (public) need” for these documents as they concern a breaking news story of general public interest that is urgently needed by a journalist (me) who is primarily engaged in disseminating information in order to inform the public concerning actual or alleged federal government activity.

The record requested “concerns a matter of current exigency to the American public” because US comportment during the coup represents a historic change in US government’s relationship in Latin America. The longer the information is withheld, the less of a story it becomes. So I request that you release it as soon as possible.

The “consequences of delaying a response would compromise a significant recognized interest”- to wit, the American public’s right to know.

Thank you for your consideration of this request. As applicable Agency regulations provide, I will anticipate your determination within ten (10) calendar days after receipt of this letter.

I would be very happy to receive these documents as they are processed.

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief.

Jeremy Bigwood

EXHIBIT B

Jeremy Bigwood
Investigative Journalist and Photojournalist

3200 16th St. NW #806
Washington, DC 20010
(202) 319-9150, 361-5000 jeremybigwood@gmail.com

EXPEDITED FREEDOM OF INFORMATION ACT REQUEST

Honduras: General Romeo Vasquez

Captain Marco Tulio Villalobos
United States Southern Command
Attn: SCJ1-A/FOIA
3511 NW 91st Av
Miami FL 33172-1217

Wednesday, July 8th, 2009

Dear Captain:

This is a FOIA request and a request for expedited service regarding all records relating to:

General Romeo Vasquez on the Honduran Army.

Please look for records starting with the date May 1st, 1979 until the time your Agency starts to process this request. I would also like any biographic sketches of him.

I would like this request to be processed under the "representative of the news media" category, which entitles me to a waiver of costs accumulated during the actual search and review process. I understand that in order to comply with the requisites of the "freelance" category of the "representative of the news media" requirements of the FOIA, which entitle me to gratuitous searches of your archives, I must offer you proof of said status. However, in accordance with the principles and spirit of the Paperwork Reduction Act (PRA) of 1995, whose stated goals are "to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public..." in lieu of sending you photocopies to attest to my due inclusion into this status, I include the following Internet URL (http://jeremybigwood.net/JBsPUBS/Articles4FOIA.htm#*) where digital facsimiles of articles I have published can be found. These articles alone are sufficient to fulfill the stated requirements and clearly bestow upon me "representative of the news media" status. You will note that I also publish whole FOIA responses from various US government entities at: (<http://jeremybigwood.net/FOIAs/FOIA.htm>).

I believe that disclosure of the requested information to me is in the public interest because it is a breaking news story, and, as such is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. For this reason I request a waiver of all fees. However, in the event that fee waiver is not granted, I agree to pay all photocopying costs in excess of 100 pages up to \$100.00. My preference, however, is to receive digital versions of these documents, if they indeed exist.

Expedited processing

Jeremy Bigwood

Investigative Journalist and Photojournalist

3200 16th St. NW #806

Washington, DC 20010

(202) 319-9150, 361-5000 jeremybigwood@gmail.com

Finally, I am also asking that this request be subjected to expedited processing, because there is a "compelling (public) need" for these documents as they concern a breaking news story of general public interest that is urgently needed by a journalist (me) who is primarily engaged in disseminating information in order to inform the public concerning actual or alleged federal government activity.

The record requested "concerns a matter of current exigency to the American public" because US comportment during the coup represents a historic change in US government's relationship in Latin America. The longer the information is withheld, the less of a story it becomes. So I request that you release it as soon as possible.

The "consequences of delaying a response would compromise a significant recognized interest" - to wit, the American public's right to know.

Thank you for your consideration of this request. As applicable Agency regulations provide, I will anticipate your determination within ten (10) calendar days after receipt of this letter.

I would be very happy to receive these documents as they are processed.

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief.

Jeremy Bigwood

EXHIBIT C



REPLY TO
ATTENTION OF

DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
9301 NW 33RD STREET
MIAMI, FL 33172-1217

November 29, 2010

Intelligence Directorate
Office of Freedom of Information

Ref: SC 11-015

Jeremy Bigwood
3200 16th St. NW #806
Washington, D.C. 20010

Dear Mr. Bigwood:

This is an interim response to your Freedom of Information Act (FOIA) request dated July 1, 2009; wherein you are seeking records containing information relating to the coup against Honduras' President Manuel Zelaya, and for records with the date of May 1st, 2009 until the time of processing of your request. Per our phone conversation we will be expediting a response based on your request.

Concerning fee for processing your request, as a member of the news media you are only responsible for duplication cost beyond the first 100 pages of documents. Decisions to waive or reduce fees are made on a case-by-case basis. I will consider a fee waiver concerning duplication cost after we have determined if responsive records exist, and the volume of those records.

Your request has been assigned case number SC 11-015. We are processing it and will be responding to you in the near future.

Direct any future inquiries to the undersigned at (305) 437-1108. Please refer to the above listed case control number for future inquiries.

Sincerely,

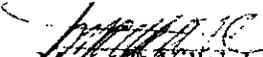

Marco T. Villalobos
Command FOIA Manager

EXHIBIT D



REPLY TO
ATTENTION OF

DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
9301 NW 33RD STREET
MIAMI, FL 33172-1217

December 16, 2010

Intelligence Directorate
Office of Freedom of Information

Ref: SC 11-020

Jeremy Bigwood
3200 16th St. NW #806
Washington, D.C. 20010

Dear Mr. Bigwood:

This is an interim response to your Freedom of Information Act (FOIA) request dated July 8, 2009; wherein you are seeking records containing information relating to General Romeo Vasquez of the Honduran Army, during the timeframe from May 1, 1979 to Present. You would also like biographical sketches of General Romeo Vasquez.

Concerning fee for processing your request, as a member of the news media you are only responsible for duplication cost beyond the first 100 pages of documents. Decisions to waive or reduce fees are made on a case-by-case basis. I will consider a fee waiver concerning duplication cost after we have determined if responsive records exist, and the volume of those records.

Your request has been assigned case number SC 11-020. We are processing it and will be responding to you in the near future.

Direct any future inquiries to the undersigned at (305) 437-1108. Please refer to the above listed case control number for future inquiries.

Sincerely,


Marco T. Villalobos
Command FOIA Manager

EXHIBIT E

Jeremy Bigwood
Investigative Journalist and Photojournalist

3200 16th St. NW #806
Washington, DC 20010
(202) 319-9150, 361-5000 jeremybigwood@gmail.com

**EXPEDITED FREEDOM OF INFORMATION ACT:
ADMINISTRATIVE APPEAL
Honduras: "Coup against President Manuel Zelaya"
SC 11-015**

Captain Marco Tulio Villalobos
United States Southern Command
Attn: SCJ224 (FOIA)
9301 NW 33rd St.
Doral, FL 33172

Monday, February 7th, 2011

Dear Mr. Villalobos:

Thank you for your belated "interim response" of November 29, 2010 to my July 8th, 2009 expedited FOIA request regarding the "Coup against President Manuel Zelaya," to which your office assigned case number: SC 11-015. I have enclosed a copy of your "interim response" letter.

The July 8th, 2009 expedited FOIA request sought records from the U.S. Southern Command, as follows:

"The coup against Honduras' President Manuel Zelaya.

Please look for records starting with the date May 1st, 2009 until the time your Agency starts to process this request."

During our November 24th, 2010 telephone conversation, you indicated that you would expedite the processing of the above request. Additionally, you wrote in your "interim response" that "[p]er our phone conversation we will be expediting a response based upon your request."

To date, I have received no further correspondence advising of any reason for the continuing and unreasonable delay and/or failure to produce the requested information. Over a year and a half have passed since your office initially received the FOIA request in question, and I have yet to receive any responsive records. This is an administrative appeal based upon this lack of response to the FOIA request that you had agreed to expedite.

Jeremy Bigwood

Investigative Journalist and Photojournalist

3200 16th St. NW #806

Washington, DC 20010

(202) 319-9150, 361-5000 jeremybigwood@gmail.com

Accordingly, I request that the U.S. Southern Command comply with its statutory obligation to respond to this appeal, or alternatively, disclose the requested information immediately. If I do not receive a response to this appeal or to the FOIA request (case number SC 11-015) within 20 (twenty) days, as required by DoD Directive 5400.7 C.5.3.3.2 and 5 U.S.C. 552(a)(6)(A)(ii), I will be filing suit in federal court.

Sincerely,

Jeremy Bigwood

EXHIBIT F

Jeremy Bigwood
Investigative Journalist and Photojournalist

3200 16th St. NW #806
Washington, DC 20010
(202) 319-9150, 361-5000 jeremybigwood@gmail.com

EXPEDITED FREEDOM OF INFORMATION ACT:

ADMINISTRATIVE APPEAL

Honduras: "General Romeo Vasquez"

SC 11-020

Captain Marco Tulio Villalobos
United States Southern Command
Attn: SCJ224 (FOIA)
9301 NW 33rd St.
Doral, FL 33172

Monday, February 7th, 2011

Dear Mr. Villalobos:

This is an administrative appeal based upon your lack of response to my FOIA request for records regarding Honduran "General Romeo Vasquez," which your office assigned case number SC 11-020.

In my original FOIA request dated July 8th, 2009, I sought records from the U.S. Southern Command, as follows:

"General Romeo Vasquez of the Honduran Army.

Please look for records starting with the date May 1st, 1979 until the time your Agency starts to process this request. I would also like any biographic sketches of him."

Jeremy Bigwood
Investigative Journalist and Photojournalist

3200 16th St. NW #806
Washington, DC 20010
(202) 319-9150, 361-5000 jeremybigwood@gmail.com

During our November 24th, 2010 telephone conversation, you indicated that you would expedite the processing of the above request.

However, to date, I have received no further correspondence advising of any reason for the continuing and unreasonable delay and/or failure to produce the requested information. Over a year and a half have passed since your office initially received the FOIA request in question, and I have yet to receive any responsive records. This is an administrative appeal based upon this lack of response to the FOIA request that you had agreed to expedite.

Accordingly, I request that the U.S. Southern Command comply with its statutory obligation to respond to this appeal, or alternatively, disclose the requested information immediately. If I do not receive a response to this appeal or to the FOIA request (case number SC 11-020) within 20 (twenty) days, as required by DoD Directive 5400.7 C.5.3.3.2 and 5 U.S.C. 552(a)(6)(A)(ii), I will be filing suit in federal court.

Sincerely,

Jeremy Bigwood

Enclosure: yours of December 16th, 2010

EXHIBIT G



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY SOUTH
FORT SAM HOUSTON, TEXAS 78234-6102

February 10, 2011

Freedom of Information Act Officer, Deputy Chief of Staff, G-1

Mr. Jeremy Bigwood
3200 16th St. NW #806
Washington, DC 20010

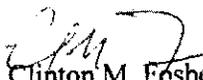
Dear Mr. Bigwood:

This letter responds to your request for documents under the Freedom of Information Act concerning all flights in and out of Soto Cano base on 28 June 2009.

A search of records in this organization resulted in no documents responsive to your request for records pertaining to all flights in and out of Soto Cano base on 28 June 2009. It was determined that the 612th ABS Base Operations, Soto Cano, may have information pertaining to your request. Your request was forwarded to the Department of Air Force Freedom of Information Act Office and they will respond directly to you if any records are located. A copy of this referral is enclosed.

The point of contact for this action is the undersigned at (210) 295-6583.

Sincerely,


Clinton M. Fosbenner
Chief, Personnel Management



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY SOUTH
FORT SAM HOUSTON, TEXAS 78234-7517

REPLY TO
ATTENTION OF:

ARSO-HR-PPPO

10 February 2011

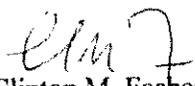
MEMORANDUM FOR IIAF/IMII, 1000 Air Force Pentagon, Washington, DC 20330-1000

SUBJECT: Freedom of Information Act (FOIA) Request – Mr. Jeremy Bigwood

1. The enclosed Freedom of Information Act request was forwarded to this office on 9 February 2011. When reviewing our records it was determined that the 61²th ABS Base Operations, Soto Cano, Honduras, may have records pertaining to this request.
2. Please search your holdings and reply directly to the requester if any records pertaining to the request are discovered. The requester has been advised of this referral.
3. The point of contact is the undersigned at DSN 421-6583 or commercial (210) 295-6583.

FOR THE COMMANDER:

Encl
as


Clinton M. Fosbenner
Chief, Personnel Management