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9 January 2008

Scott Koch
Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

APPROVED FOR
RELEASE DATE:
18-Aug-2010

Re: F-2008-00443

Dear Mr. Koch:

I have received your letter dated December 26, 2007 acknowledging receipt of the December 5, 2007 FOIA request submitted by The James Madison Project ("JMP") for a copy of the documents that comprise Exhibits "A-O000" which were submitted in support of the Declaration of Franz Boening in the lawsuit of Boening v. CIA, Civil Action No. 07-430 (D.D.C.)(EGS). In your letter, you state that you are denying a fee waiver for JMP and instead have determined that the request falls into the "all other" fee category. Your letter seeks to justify this determination by stating that the information sought is not likely to contribute significantly to public understanding of the operations and activities of the United States Government.

I am writing to appeal your denial of JMP's request for a fee waiver. Your stipulations aside, disclosing this information would, without question, contribute significantly to public understanding of why the CIA has chosen to attempt to classify publicly available newspaper articles. At issue in the litigation is the CIA's classification of a whistleblower complaint that was drafted by Franz Boening - a former CIA employee - by utilizing only publicly available newspaper articles. The whistleblower complaint addresses perceived violations of law by the CIA in its relationship with a foreign individual who has committed "unlawful human rights violations and criminal acts". Needless to say,

"Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives."

James Madison, 1822

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Executive Order 13,292 prohibits federal agencies from classifying their own violations of law and it is widely accepted that information obtained from public sources similarly can not be classified. The likelihood of this information contributing significantly to the public's understanding of government operations and activities could not be more apparent or clear.

Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact me at either (202) 498-0011 or my law office at (202) 454-2809.

Finally, please have all return correspondence addressed specifically to my attention to ensure proper delivery.

Sincerely,



Mark S. Zaid
Executive Director



"Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives."

James Madison, 1822

Fax

To: Scott Koch **From:** Mark Zaid

Fax: (703) 613-3007 **Pages:** 3

Phone: (202) 498-0011 **Date:** 1/10/2008

Re: F-2008-00443 **CC:**

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