

Jed Margolin

From: "Air Force FOIA Requester Service Center" <haf.foia@pentagon.af.mil>
To: <jm@jmargolin.com>
Sent: Monday, August 16, 2010 2:55 PM
Subject: Request Acknowledgement by Air Force FOIA Requester Service Center
Dear Jed Margolin,

Case Number 2010-06811-F has been assigned to the request you submitted with temporary case number 5268. In all future correspondence regarding this request please reference case number 2010-06811-F.

Regards,
Air Force FOIA Requester Service Center

Jed Margolin

From: "Air Force FOIA Requester Service Center" <haf.foia@pentagon.af.mil>
To: <jm@jmargolin.com>
Sent: Monday, August 16, 2010 2:55 PM
Subject: Request Acknowledgement by Air Force FOIA Requester Service Center
Dear Jed Margolin,

Case Number 2010-06808-F has been assigned to the request you submitted with temporary case number 5265. In all future correspondence regarding this request please reference case number 2010-06808-F.

Regards,
Air Force FOIA Requester Service Center

Jed Margolin

From: "Air Force FOIA Requester Service Center" <haf.foia@pentagon.af.mil>
To: <jm@jmargolin.com>
Sent: Monday, August 16, 2010 2:55 PM
Subject: Request Acknowledgement by Air Force FOIA Requester Service Center
Dear Jed Margolin,

Case Number 2010-06810-F has been assigned to the request you submitted with temporary case number 5267. In all future correspondence regarding this request please reference case number 2010-06810-F.

Regards,
Air Force FOIA Requester Service Center

Jed Margolin

From: "Air Force FOIA Requester Service Center" <haf.foia@pentagon.af.mil>
To: <jm@jmargolin.com>
Sent: Monday, August 16, 2010 2:55 PM
Subject: Request Acknowledgement by Air Force FOIA Requester Service Center
Dear Jed Margolin,

Case Number 2010-06809-F has been assigned to the request you submitted with temporary case number 5266. In all future correspondence regarding this request please reference case number 2010-06809-F.

Regards,
Air Force FOIA Requester Service Center

Email Separator

Jed Margolin

From: "SCHNEIDER, JACQUELINE M GS-07 USAF AMC 19 CS/SCOKR"
<jacqueline.schneider@us.af.mil>
To: <jm@jmargolin.com>
Sent: Wednesday, August 18, 2010 5:00 AM
Subject: clarification of FOIA #2010-06809-F
Sir,

This is in response to your 13 Aug 2010, Freedom of Information Act request for all documents relating to the use of Synthetic Vision. We are unable to process your request, because it is too broad. Please clarify and provide any additional information as to what type of records you are seeking and what office maintains your requested information to clarify its affiliation with the United States Air Force. Additionally, identification of the record(s) desired is the responsibility of the member of the public who requests a record. The requester must provide a description of the desired record (s) that enables the Air Force to locate the record with a reasonable amount of effort. Without specific information, we are unable to direct your request to the appropriate office or agency. When responding, please reference our case number in your letter.

We are holding your request in abeyance until we receive your clarification. Please reference FOIA #2010-06809-F in all correspondence. If we do not receive a reply by 25 Aug 10, we will close this case file and you will need to initiate a new FOIA request for these documents and we will consider this matter closed. Please direct your questions to Mrs. Schneider at 501-987-5549 and refer to the case number.

//SIGNED//

Jacqueline M. Schneider, DAF
Chief, Records Management/FOIA/Privacy Act Manager
19th Communications Squadron
988A Cannon Drive, Suite 113
Little Rock AFB AR 72099-4935
DSN: 731-5549 COMM: 501-987-5549
FAX: 987-6649

Email Separator

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "SCHNEIDER, JACQUELINE M GS-07 USAF AMC 19 CS/SCOKR"
<jacqueline.schneider@us.af.mil>
Sent: Monday, August 23, 2010 11:39 PM
Subject: Re: clarification of FOIA #2010-06809-F
Dear Ms. Schneider.

You wrote:

>We are unable to process your request, because it is too broad.

My FOIA Request is very specific and provides a number of specific keywords and search terms.

I asked for all documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by USAF.

I defined what synthetic vision is:

Synthetic Vision is defined by the FAA in FAA Title 14 Part 1 as follows:

Synthetic vision means a computer-generated image of the external scene topography from the perspective of the flight deck that is derived from aircraft attitude, high-precision navigation solution, and database of terrain, obstacles and relevant cultural features.

FAA Title 14 Part 1 is available at: http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title14/14tab_02.tpl

I included the other names that USAF may use to describe synthetic vision.

Synthetic Vision includes Enhanced Synthetic Vision.

If USAF calls synthetic vision by another name, including but not limited to synthetic environment, virtual environment, synthetic reality, virtual reality, or the like, this request includes that name.

You wrote:

> Please clarify and provide any additional information as to what type of records you are seeking and what office maintains your requested information to clarify its affiliation with the United States Air Force.

I directed my FOIA request to: Dyess Air Force Base, Texas; Little Rock AFB, Ark.; Ramstein Air Base, Germany; and Yokota AB, Japan because those are the four active duty locations listed as flying the C-130. I assume you are responding for Dyess.

For your information the other locations which are known to fly the C-130 are as follows:

Air Force Reserve locations for assigned C-130 models are Dobbins Air Reserve Base, Ga.; Keesler AFB, Miss.; Maxwell AFB, Ala.; Minnesota-St. Paul Joint Air Reserve Station, Minn.; Niagara Falls ARS, N.Y.; Peterson AFB, Colo.; Pittsburgh ARS, Pa.; Pope AFB, N.C. and Youngstown ARS, Ohio.

Air National Guard locations for C-130 and its variations are Baltimore (Martin State Airport), Md.; Boise Air Terminal, Idaho; Joint Reserve Base Carswell, Texas; Channel Island Air National Guard Station, Calif.; Charlotte/Douglas International Airport, N.C.; Cheyenne Municipal Airport, Wyo.; Kulis Air National Guard Base, Alaska; Little Rock AFB, Ark.; Louisville IAP, Ky.; Munoz ANGB, Puerto Rico; Mansfield Lahm Airport, Ohio; Minnesota-St. Paul ARS, Minn.; Nashville IAP, Tenn.; New Castle County ANGB, Del; Greater Peoria Regional Airport, Ill.; Quonset State Airport, R.I.; Reno-Tahoe IAP, Nev.; Savannah IAP, Ga.; Schenectady MAP, N.Y.; Rosecrans Memorial Airport, Mo.; and Yeager Airport, W.V.

You wrote:

> Additionally, identification of the record(s) desired is the responsibility of the member of the public who requests a record. The requester must provide a description of the desired record(s) that enables the Air Force to locate the record with a reasonable amount of effort. Without specific information, we are unable to direct your request to the appropriate office or agency. When responding, please reference our case number in your letter.

I'm sorry, but your position is totally unsupportable by both the letter and spirit of the Freedom of Information Act, the orders of the President of the United States in his memo of January 21, 2009 (Memorandum for the Heads of Executive Departments and Agencies; Subject: Freedom of Information Act), and by case law.

In *Vaughn v. Rosen* 484 F2d 820, 157 U.S.App.D.C. 340 the Court explained:

The Freedom of Information Act was conceived in an effort to permit access by the citizenry to most forms of government records. In essence, the Act provides that all documents are available to the public unless specifically exempted by the Act itself.¹⁰ This court has repeatedly stated that these exemptions from disclosure must be construed narrowly, in such a way as to provide the maximum access consonant with the overall purpose of the Act.¹¹ By like token and specific provision of the Act, when the Government declines to disclose a document the burden is upon the agency to prove de novo in trial court that the information sought fits under one of the exemptions to the FOIA.¹² Thus the statute and the judicial interpretations recognize and place great emphasis upon the importance of disclosure.

In light of this overwhelming emphasis upon disclosure, it is anomalous but obviously inevitable that the party with the greatest interest in obtaining disclosure is at a loss to argue with desirable legal precision for the revelation of the concealed information. Obviously the party seeking disclosure cannot know the precise contents of the documents sought; secret information is, by definition, unknown to the party seeking disclosure. In many, if not most, disputes under the FOIA, resolution centers around the factual nature, the statutory category, of the information sought.

{Emphasis added}

The Court trumps USAF's FOIA regulations and/or your interpretation of USAF regulations.

I do not have to identify specific records. That's your job.

Since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF has to offer and that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

Sincerely yours,

Jed Margolin

=====
----- Original Message -----

From: "SCHNEIDER, JACQUELINE M GS-07 USAF AMC 19 CS/SCOKR"
<jacqueline.schneider@us.af.mil>
To: <jm@jmargolin.com>
Sent: Wednesday, August 18, 2010 5:00 AM
Subject: clarification of FOIA #2010-06809-F

Sir,

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We are holding your request in abeyance until we receive your clarification. Please reference FOIA #2010-06809-F in all correspondence. If we do not receive a reply by 25 Aug 10, we will close this case file and you will need to initiate a new FOIA request for these documents and we will consider this matter closed. Please direct your questions to Mrs. Schneider at 501-987-5549 and refer to the case number.

//SIGNED//

Jacqueline M. Schneider, DAF
Chief, Records Management/FOIA/Privacy Act Manager
19th Communications Squadron
988A Cannon Drive, Suite 113

Little Rock AFB AR 72099-4935
DSN: 731-5549 COMM: 501-987-5549
FAX: 987-6649

Email Separator



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH MISSION SUPPORT GROUP (ACC)
DYESS AIR FORCE BASE TEXAS

18 Aug 10

Dyess FOIA (ACC)
426th 3d Street
Dyess AFB TX 79607

Jed Margolin
1981 Empire Rd
Reno NV 89521-7430

Dear Mr. Margolin,

This is in reference to your FOIA request, dated 13 Aug10, asking for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by United States Air Force.

The office of primary responsibility (OPR) stated they have no records to fit the description you provided in your FOIA request.

If you interpret this "no records" response as an adverse action, you may appeal our decision by writing to the Secretary of the Air Force within 60 days from the date of this letter/e-mail. If no appeal is received, or if the appeal is postmarked after the conclusion of this 60-day period, the appeal may be considered closed. Include your reasons for reconsideration along with a copy of this letter/e-mail. Mail to:

Secretary of the Air Force
Thru: HQ ACC/A6CK (FOIA)
180 Benedict Avenue, Ste 210
Langley AFB VA 23665-1993

Department of Defense Regulation 5400.7 indicates fees be assessed for processing this request; however, the fees are waived in this instance.

Sincerely,
Dianna Sanders
Freedom of Information Act Office
Dyess AFB TX

Email Separator

Jed Margolin

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>
To: <jm@jmargolin.com>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "Yokota 374th org box" <374cs.scokknowledgeops@yokota.af.mil>
Sent: Wednesday, August 25, 2010 2:42 PM
Attach: 2010-06811-F Margolin Yokota original request.pdf
Subject: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied
Mr. Margolin,

This e-mail is in response to your FOIA request for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by the USAF.

In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

If you interpret this category determination as an adverse action you may appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this letter. Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil

Jed Margolin
Phone: 775-847-7845

1981 Empire Rd.
Email: jm@jmargolin.com

Reno, NV 89521-7430
August 13, 2010

United States Air Force:

ACC - Dyess Air Force Base, Texas;
AMC - Little Rock AFB, Ark.;
USAFE - Ramstein Air Base, Germany;
PACAF - Yokota AB, Japan.

Request

This request is made pursuant to the Freedom of Information Act.

I would like all documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by USAF.

Synthetic Vision is defined by the FAA in FAA Title 14 Part 1 as follows:

Synthetic vision means a computer-generated image of the external scene topography from the perspective of the flight deck that is derived from aircraft attitude, high-precision navigation solution, and database of terrain, obstacles and relevant cultural features.

FAA Title 14 Part 1 is available at: http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title14/14tab_02.tpl

Synthetic Vision includes *Enhanced Synthetic Vision*.

If USAF calls *synthetic vision* by another name, including but not limited to *synthetic environment*, *virtual environment*, *synthetic reality*, *virtual reality*, or the like, this request includes that name.

Costs

I claim the journalist exemption. The answers to these questions are material to the articles/blogs I am writing called:

- 1. How NASA Treats Independent Inventors** at www.jmargolin.com/nasa/nasa.htm
- 2. How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors** at http://www.jmargolin.com/usaf/usaf_web.htm

Sincerely yours,

/Jed Margolin/

Email Separator

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "Yokota 374th org box" <374cs.scokknowledgeops@yokota.af.mil>; <chris.kennerly@pentagon.af.mil>
Sent: Wednesday, August 25, 2010 6:15 PM
Attach: f1_15_patrick.pdf; f2_06_langley.pdf; f2_07_langley.pdf; f2_07a_langley_jm_af1.txt; f3_07_holloman.pdf
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied
Dear Mr. Hansel,

This is getting really old.

Just because you don't like the article/blog I am writing about USAF doesn't mean you can deny my request for a fee waiver for the Journalist Exemption.

USAF came to my Web site yesterday (August 24, 2010) and read my article How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors.

This is from my server log:

```
dhcp-28-74.hq.af.mil 134.205.28.74 - - [24/Aug/2010:04:19:14 -0700] "GET /usaf/usaf_web.htm HTTP/1.1" 200 132162 "-" "Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; .NET CLR 3.0.30618; .NET CLR 3.5.30729; InfoPath.2; MS-RTC LM 8)"
```

If that wasn't you, then it simply means you are acting on orders from USAF HQ.

I would like you to reconsider your course of action.

1. USAF is the only Federal Agency to ever deny my request for a fee waiver.

2. I received a full fee waiver on USAF FOIA Case No. 2010-04191-F. See attached file:

f1_15_patrick.pdf .

3. My fee waiver request on USAF FOIA Case 2010-5988 & 5989 was initially denied. Then I

was informed I would receive the first 100 pages free and would be required to pay \$0.15 per

page thereafter but there would be no other fees. See attached file:
f2_06_langley.pdf

4. I asked for reconsideration based on the following:

a. I had already been granted a full fee waiver in Case 2010-04191-F.

b. USAF has been visiting my Web sit for years and obtaining useful information.

See attached files: f2_07_langley.pdf and f2_07a_langley_jm_af1.txt .

I was eventually given a full fee waiver on FOIA Case Number 2010-0030, FOIAexpress Case #2010-06428-F. See attached file f3_07_holloman.pdf .

I will offer you the same terms that I have offered in the past:

1. Full waiver of search fees.

2. First 100 pages free.

3. Copy costs of \$0.15 per page thereafter.

4. I authorize up to \$45 in copy costs as long as:

a. There are no duplicates.

b. There are no copies of documents I have sent to USAF.

This is the best offer I will make to USAF. You should accept it.

Otherwise, since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF has to offer and that the address at which USAF accepts legal service is:

Air Force/JACL

1501 Wilson Blvd.

Arlington, VA 22209-2403

By the way, I have hard evidence that the C-130 uses synthetic vision. If you want to know how really useful synthetic vision is, ask one of your C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil

=====
----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"

<roger.hansel@hickam.af.mil>

To: <jm@jmargin.com>

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "Yokota 374th org box" <374cs.scokknowledgeops@yokota.af.mil>

Sent: Wednesday, August 25, 2010 2:42 PM

Subject: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

This e-mail is in response to your FOIA request for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by the USAF.

In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

If you interpret this category determination as an adverse action you may appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this letter. Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)

25 E Street, Suite C-302
Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil

Email Separator

Jed Margolin

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>
To: "Jed Margolin" <jm@jmargolin.com>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>
Sent: Thursday, August 26, 2010 10:10 AM
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied Mr. Margolin,

By journalist exemption I interpreted your request to mean you requested to be placed in the Educational or Noncommercial Scientific Institution or News Media category as opposed to the commercial category or all others category for fees. This is not an exemption, it is a category which determines assessable fees.

There is no journalist fee waiver exemption. Category determination is one action which determines assessable fees and A request to waive fees assessable to the category you are placed in is a separate action.

The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

The term "news" means information that is about current events or that would be of current interest to the public.

Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public.

These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category.

In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a requester in making this determination.

I have placed you in the other requesters category & provided the appeal procedures.

Regarding fees. The criteria for a fee waiver, which is a separate action, is

Waiver or reduction of the fees is appropriate when it is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester.

Now that you have specifically identified your request as being for a waiver of fees & not just a fee category determination I can address that request as well. Your request does not meet the criteria for a fee waiver. The appeal procedures for a fee waiver are the same as provided for the category determination.

If you choose to appeal either or both the fee waiver denial or the category determination, appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this e-mail.

Include in your appeal letter the reasons for reconsidering your request for a fee waiver or changing your category determination, and attach a copy of this letter.

Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

Regarding your offer of terms:

The fees assessable are based on the category you are placed in. You have been placed in the other requesters category & your fee waiver, now that you have identified that as your intent, has been disapproved. If you wish to appeal please follow the procedures provided.

Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]
Sent: Wednesday, August 25, 2010 3:15 PM
To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Dear Mr. Hansel,

This is getting really old.

Just because you don't like the article/blog I am writing about USAF doesn't mean you can deny my request for a fee waiver for the Journalist Exemption.

USAF came to my Web site yesterday (August 24, 2010) and read my article How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors.

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"GET
/usaf/usaf_web.htm HTTP/1.1" 200 132162 "-" "Mozilla/4.0 (compatible;
MSIE
7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; .NET CLR 3.0.30618; .NET
CLR
3.5.30729; InfoPath.2; MS-RTC LM 8)"
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 - a. There are no duplicates.
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Air Force/JACL

1501 Wilson Blvd.

Arlington, VA 22209-2403

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If you want to know how really useful synthetic vision is, ask one of your

C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil

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----- Original Message -----
From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
<roger.hansel@hickam.af.mil>
To: <jm@jmargolin.com>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "Yokota 374th org box"
<374cs.scokknowledgeops@yokota.af.mil>
Sent: Wednesday, August 25, 2010 2:42 PM
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category denied

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Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil

Email Separator

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>
Sent: Thursday, August 26, 2010 2:19 PM
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Hansel.

You have rejected my offer of what I consider a very reasonable compromise regarding fees. Because you rejected my offer, that offer is hereby terminated.

All you are doing is playing word games. My request for a fee waiver was very explicit. A reasonable person would not be confused by it the way you pretend to be.

Also, on one hand you state that I have 60 days to appeal your ruling to the Secretary of the Air Force, while on the other hand you state:

" Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed. "

Which is it?

I will certainly appeal your decision to SAF.

If this is the response you have asked for, then you have it.

BTW, you have failed to confirm that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

Your behavior has pretty much guaranteed that I will end up filing suit against USAF.

Since you have refused to confirm that this is the correct address, then that is the address I will use. Then I will ask the Court to sanction USAF for its behavior in a matter that is considered common courtesy.

I will also ask the Court to sanction you personally for your behavior.

The purpose of the Freedom of Information Act is to allow the American People to see how their Government works. Your behavior in this matter will significantly contribute to public understanding of the operations and activities of the Department of Defense.

I believe they will be as disappointed in you as I am.

Jed Margolin

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From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>

To: "Jed Margolin" <jm@jmargolin.com>

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>

Sent: Thursday, August 26, 2010 10:10 AM

Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

By journalist exemption I interpreted your request to mean you requested to be placed in the Educational or Noncommercial Scientific Institution or News Media category as opposed to the commercial category or all others category for fees. This is not an exemption, it is a category which determines assessable fees.

There is no journalist fee waiver exemption. Category determination is one action which determines assessable fees and A request to waive fees assessable to the category you are placed in is a separate action.

The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

The term "news" means information that is about current events or that would be of current interest to the public.

Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public.

These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category.

In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a

requester in making this determination.

I have placed you in the other requesters category & provided the appeal procedures.

Regarding fees. The criteria for a fee waiver, which is a separate action, is

Waiver or reduction of the fees is appropriate when it is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester.

Now that you have specifically identified your request as being for a waiver of fees & not just a fee category determination I can address that request as well. Your request does not meet the criteria for a fee waiver. The appeal procedures for a fee waiver are the same as provided for the category determination.

If you choose to appeal either or both the fee waiver denial or the category determination, appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this e-mail.

Include in your appeal letter the reasons for reconsidering your request for a fee waiver or changing your category determination, and attach a copy of this letter.

Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

Regarding your offer of terms:

The fees assessable are based on the category you are placed in. You have been placed in the other requesters category & your fee waiver, now that you have identified that as your intent, has been disapproved. If you wish to appeal please follow the procedures provided.

Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed.

ROGER V. HANSEL

HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil

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From: Jed Margolin [mailto:jm@jmargolin.com]
Sent: Wednesday, August 25, 2010 3:15 PM
To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Dear Mr. Hansel,

This is getting really old.

Just because you don't like the article/blog I am writing about USAF doesn't mean you can deny my request for a fee waiver for the Journalist Exemption.

USAF came to my Web site yesterday (August 24, 2010) and read my article **How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors.**

This is from my server log:

```
dhcp-28-74.hq.af.mil 134.205.28.74 - - [24/Aug/2010:04:19:14 -0700] "GET /usaf/usaf_web.htm  
HTTP/1.1" 200 132162 "-" "Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET  
CLR 2.0.50727; .NET CLR 3.0.30618; .NET CLR 3.5.30729; InfoPath.2; MS-RTC LM 8)"
```

If that wasn't you, then it simply means you are acting on orders from USAF HQ.

I would like you to reconsider your course of action.

1. USAF is the only Federal Agency to ever deny my request for a fee waiver.
2. I received a full fee waiver on USAF FOIA Case No. 2010-04191-F. See attached file: f1_15_patrick.pdf .
3. My fee waiver request on USAF FOIA Case 2010-5988 & 5989 was initially denied. Then I was informed I would receive the first 100 pages free and would be required to pay \$0.15 per page thereafter but there would be no other fees. See attached file: f2_06_langley.pdf
4. I asked for reconsideration based on the following:
 - a. I had already been granted a full fee waiver in Case 2010-04191-F.
 - b. USAF has been visiting my Web sit for years and obtaining useful information.

See attached files: f2_07_langley.pdf and f2_07a_langley_jm_af1.txt .

I was eventually given a full fee waiver on FOIA Case Number 2010-0030, FOIAexpress Case #2010-06428-F. See attached file f3_07_holloman.pdf .

I will offer you the same terms that I have offered in the past:

1. Full waiver of search fees.
2. First 100 pages free.
3. Copy costs of \$0.15 per page thereafter.
4. I authorize up to \$45 in copy costs as long as:
 - a. There are no duplicates.
 - b. There are no copies of documents I have sent to USAF.

This is the best offer I will make to USAF. You should accept it.

Otherwise, since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF has to offer and that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

By the way, I have hard evidence that the C-130 uses synthetic vision. If you want to know how really useful synthetic vision is, ask one of your C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"

<roger.hansel@hickam.af.mil>

To: <jm@jmargolin.com>

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "Yokota 374th org box"

<374cs.scokknowledgeops@yokota.af.mil>

Sent: Wednesday, August 25, 2010 2:42 PM

Subject: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

This e-mail is in response to your FOIA request for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by the USAF.

In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

If you interpret this category determination as an adverse action you may appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this letter. Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil

Email Separator

Jed Margolin

From: "PACAF FOIA" <pacaf.foia@hickam.af.mil>
To: "Jed Margolin" <jm@jmargolin.com>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>
Sent: Thursday, August 26, 2010 3:28 PM
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied
 Mr. Margolin,

I provided you the procedures, 60 day time limit, and address for you to appeal the fee category determination & fee waiver denial as an administrative remedy.

As you have indicated below your intent to file an appeal I will process your appeal upon receipt.

Your request will be closed if you do not agree to the fee category you have been placed in & to pay assessable fees for that category.

This is a separate action from your appeal & is the result of not receiving a fee agreement. Without a fee agreement and fee category determination agreement I cannot process your FOIA request. This does not prevent you from resubmitting your request at a later date if you choose to accept the fee category and assessable fees or if upon appeal you are granted a fee waiver and/or the news media category.

The address you provided for Air Force/JACL is a valid address.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

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journalist category denied

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USAF came to my Web site yesterday (August 24, 2010) and read my article How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors.

This is from my server log:

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-0700] "GET /usaf/usaf_web.htm HTTP/1.1" 200 132162 "-" "Mozilla/4.0  
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I was eventually given a full fee waiver on FOIA Case Number 2010-0030, FOIAexpress Case #2010-06428-F. See attached file f3_07_holloman.pdf .

I will offer you the same terms that I have offered in the past:

- 1. Full waiver of search fees.
- 2. First 100 pages free.
- 3. Copy costs of \$0.15 per page thereafter.
- 4. I authorize up to \$45 in copy costs as long as:
 - a. There are no duplicates.
 - b. There are no copies of documents I have sent to USAF.

This is the best offer I will make to USAF. You should accept it.

Otherwise, since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF has to offer and that the address at which USAF accepts legal service is:

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By the way, I have hard evidence that the C-130 uses synthetic vision. If you want to know how really useful synthetic vision is, ask one of your C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil
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----- Original Message -----

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<roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>> >
To: <jm@jargolin.com <<mailto:jm@jargolin.com>> >
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil
<<mailto:pacaf.foia@hickam.af.mil>> >; "Yokota 374th org box"
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category denied

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In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

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ROGER V. HANSEL

HQ PACAF FOIA/PA MANAGER

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Email Separator

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "PACAF FOIA" <pacaf.foia@hickam.af.mil>
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Sent: Thursday, August 26, 2010 8:10 PM
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Hansel.

1. When you say you are going to process my appeal, does that mean you are going to decide my appeal?

If that is the case, I would like you to stop wasting my time and confirm that I have exhausted all the administrative remedies that USAF has to offer.

2. When you say that, "The address you provided for Air Force/JACL is a valid address" do you mean that it is the address at which USAF accepts legal service?

Simply saying it is a valid address does not answer my question. I asked you if it is the address at which USAF accepts legal service.

This is your last chance. Are you going to answer my question or not?

3. I would like contact information for your immediate superior.

Jed Margolin

=====

----- Original Message -----

From: "PACAF FOIA" <pacaf.foia@hickam.af.mil>
To: "Jed Margolin" <jm@jmargolin.com>
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<roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>> >
To: "Jed Margolin" <jm@jmargolin.com <<mailto:jm@jmargolin.com>> >
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil
<<mailto:pacaf.foia@hickam.af.mil>> >; "374 CS/SCOK Knowledge Ops"
<374cs.knowledgeops@yokota.af.mil
<<mailto:374cs.knowledgeops@yokota.af.mil>> >; "Kennerly, Chris TSgt MIL
USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil
<<mailto:chris.kennerly@pentagon.af.mil>> >
Sent: Thursday, August 26, 2010 10:10 AM
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged

journalist category denied

Mr. Margolin,

By journalist exemption I interpreted your request to mean you requested to be placed in the Educational or Noncommercial Scientific Institution or News Media category as opposed to the commercial category or all others category for fees. This is not an exemption, it is a category which determines assessable fees.

There is no journalist fee waiver exemption. Category determination is one action which determines assessable fees and A request to waive fees assessable to the category you are placed in is a separate action.

The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

The term "news" means information that is about current events or that would be of current interest to the public.

Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public.

These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category.

In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a requester in making this determination.

I have placed you in the other requesters category & provided the appeal procedures.

Regarding fees. The criteria for a fee waiver, which is a separate action, is

Waiver or reduction of the fees is appropriate when it is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester.

Now that you have specifically identified your request as being for a waiver of fees & not just a fee category determination I can address that request as well. Your request does not meet the criteria for a fee waiver. The appeal procedures for a fee waiver are the same as provided for the category determination.

If you choose to appeal either or both the fee waiver denial or the category determination, appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this e-mail.

Include in your appeal letter the reasons for reconsidering your request for a fee waiver or changing your category determination, and attach a copy of this letter.

Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

Regarding your offer of terms:

The fees assessable are based on the category you are placed in. You have been placed in the other requesters category & your fee waiver, now that you have identified that as your intent, has been disapproved. If you wish to appeal please follow the procedures provided.

Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]
Sent: Wednesday, August 25, 2010 3:15 PM
To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged

journalist category denied

Dear Mr. Hansel,

This is getting really old.

Just because you don't like the article/blog I am writing about USAF doesn't mean you can deny my request for a fee waiver for the Journalist Exemption.

USAF came to my Web site yesterday (August 24, 2010) and read my article How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors.

This is from my server log:

```
dhcp-28-74.hq.af.mil 134.205.28.74 - - [24/Aug/2010:04:19:14
-0700] "GET /usaf/usaf_web.htm HTTP/1.1" 200 132162 "-" "Mozilla/4.0
(compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; .NET
CLR 3.0.30618; .NET CLR 3.5.30729; InfoPath.2; MS-RTC LM 8)"
```

If that wasn't you, then it simply means you are acting on orders from USAF HQ.

I would like you to reconsider your course of action.

1. USAF is the only Federal Agency to ever deny my request for a fee waiver.
2. I received a full fee waiver on USAF FOIA Case No. 2010-04191-F. See attached file: f1_15_patrick.pdf .
3. My fee waiver request on USAF FOIA Case 2010-5988 & 5989 was initially denied. Then I was informed I would receive the first 100 pages free and would be required to pay \$0.15 per page thereafter but there would be no other fees. See attached file: f2_06_langley.pdf
4. I asked for reconsideration based on the following:
 - a. I had already been granted a full fee waiver in Case 2010-04191-F.
 - b. USAF has been visiting my Web sit for years and obtaining useful information.

See attached files: f2_07_langley.pdf and f2_07a_langley_jm_af1.txt .

I was eventually given a full fee waiver on FOIA Case Number 2010-0030, FOIAexpress Case #2010-06428-F. See attached file f3_07_holloman.pdf .

I will offer you the same terms that I have offered in the past:

1. Full waiver of search fees.
2. First 100 pages free.
3. Copy costs of \$0.15 per page thereafter.
4. I authorize up to \$45 in copy costs as long as:
 - a. There are no duplicates.
 - b. There are no copies of documents I have sent to USAF.

This is the best offer I will make to USAF. You should accept it.

Otherwise, since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF has to offer and that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

By the way, I have hard evidence that the C-130 uses synthetic vision. If you want to know how really useful synthetic vision is, ask one of your C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil
<<mailto:chris.kennerly@pentagon.af.mil>>

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
<roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>> >

To: <jm@jmargolin.com <<mailto:jm@jmargolin.com>> >

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil
<<mailto:pacaf.foia@hickam.af.mil>> >; "Yokota 374th org box"
<374cs.scokknowledgeops@yokota.af.mil
<<mailto:374cs.scokknowledgeops@yokota.af.mil>> >

Sent: Wednesday, August 25, 2010 2:42 PM

Subject: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

This e-mail is in response to your FOIA request for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by the USAF.

In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

If you interpret this category determination as an adverse action you may appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this letter. Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

Email Separator

Jed Margolin

From: "PACAF FOIA" <pacaf.foia@hickam.af.mil>
To: "Jed Margolin" <jm@jmargolin.com>; "PACAF FOIA" <pacaf.foia@hickam.af.mil>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>; "Park, Tracy A Capt USAF PACAF PACAF/JA" <tracy.park@hickam.af.mil>
Sent: Tuesday, August 31, 2010 9:22 AM
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied
 Mr. Margolin,

I have received confirmation the address you provided

"Air Force/JACL
 1501 Wilson Blvd.
 Arlington, VA 22209-2403"

can be used.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

From: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
Sent: Monday, August 30, 2010 1:20 PM
To: Jed Margolin; PACAF FOIA
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO; Sherman, Wendy L LtCol USAF PACAF JA/JA
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Mr. Margolin,

When I say I am going to process your appeal it means I will send it through the appeal process. I will not make the final decision on your appeal.

Air Force/JACL is an Air Force level legal office. They should be able to assist you & answer any questions you have regarding an address where the Air Force "accepts legal service." I am unfamiliar with the term & contacted our local legal office who is not sure what you mean by the term "accepts legal service." You indicated below

Air Force/JACL
 1501 Wilson Blvd.
 Arlington, VA 22209-2403

is the address you intend to use and they should be able to assist you.

I've explained a category determination and a fee waiver request are two different things and the difference between a category determination and a fee waiver.

I've explained the criteria for the news media category and the fee waiver criteria.

I've explained the appeal procedures.

If you agree to the category determination & to paying fees assessable to the other fee category I can process your request. If you decide to appeal I can process your appeal.

If you are dissatisfied with the response you have received from this office, you may contact the Air Force FOIA Public Liaison Office

1800 Air Force Pentagon
Washington, DC 20330-1800
Phone: (703) 696-6487
Fax: (703) 696-4421

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]
Sent: Thursday, August 26, 2010 5:11 PM
To: PACAF FOIA
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Hansel.

1. When you say you are going to process my appeal, does that mean you are going to decide my appeal?

If that is the case, I would like you to stop wasting my time and confirm that I have exhausted all the administrative remedies that USAF has to

offer.

2. When you say that, "The address you provided for Air Force/JACL is a valid address" do you mean that it is the address at which USAF accepts legal service?

Simply saying it is a valid address does not answer my question. I asked you if it is the address at which USAF accepts legal service.

This is your last chance. Are you going to answer my question or not?

3. I would like contact information for your immediate superior.

Jed Margolin

=====

----- Original Message -----

From: "PACAF FOIA" <pacaf.foia@hickam.af.mil>

To: "Jed Margolin" <jm@jmargin.com>

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops"

<374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO"

<chris.kennerly@pentagon.af.mil>

Sent: Thursday, August 26, 2010 3:28 PM

Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
journalist
category denied

Mr. Margolin,

I provided you the procedures, 60 day time limit, and address for you to appeal the fee category determination & fee waiver denial as an administrative remedy.

As you have indicated below your intent to file an appeal I will process your appeal upon receipt.

Your request will be closed if you do not agree to the fee category you have been placed in & to pay assessable fees for that category.

This is a separate action from your appeal & is the result of not receiving a fee agreement. Without a fee agreement and fee category determination agreement I cannot process your FOIA request. This does not prevent you from resubmitting your request at a later date if you

choose to accept the fee category and assessable fees or if upon appeal you are granted a fee waiver and/or the news media category.

The address you provided for Air Force/JACL is a valid address.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]
Sent: Thursday, August 26, 2010 11:19 AM
To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Hansel.

You have rejected my offer of what I consider a very reasonable compromise regarding fees. Because you rejected my offer, that offer is hereby terminated.

All you are doing is playing word games. My request for a fee waiver was very explicit. A reasonable person would not be confused by it the way you pretend to be.

Also, on one hand you state that I have 60 days to appeal your ruling to the Secretary of the Air Force, while on the other hand you state:

" Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed. "

Which is it?

I will certainly appeal your decision to SAF.

If this is the response you have asked for, then you have it.

BTW, you have failed to confirm that the address at which USAF accepts legal service is:

Air Force/JACL

1501 Wilson Blvd.
Arlington, VA 22209-2403

Your behavior has pretty much guaranteed that I will end up filing suit against USAF.

Since you have refused to confirm that this is the correct address, then that is the address I will use. Then I will ask the Court to sanction USAF for its behavior in a matter that is considered common courtesy.

I will also ask the Court to sanction you personally for your behavior.

The purpose of the Freedom of Information Act is to allow the American People to see how their Government works. Your behavior in this matter will significantly contribute to public understanding of the operations and activities of the Department of Defense.

I believe they will be as disappointed in you as I am.

Jed Margolin

=====

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
<roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>> >
To: "Jed Margolin" <jm@jmargolin.com <<mailto:jm@jmargolin.com>> >
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil
<<mailto:pacaf.foia@hickam.af.mil>> >; "374 CS/SCOK Knowledge Ops"
<374cs.knowledgeops@yokota.af.mil
<<mailto:374cs.knowledgeops@yokota.af.mil>> >; "Kennerly, Chris TSgt MIL
USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil
<<mailto:chris.kennerly@pentagon.af.mil>> >
Sent: Thursday, August 26, 2010 10:10 AM
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Margolin,

By journalist exemption I interpreted your request to mean you requested to be placed in the Educational or Noncommercial Scientific Institution or News Media category as opposed to the commercial category or all others category for fees. This is not an exemption, it is a category which determines assessable fees.

There is no journalist fee waiver exemption. Category determination is one action which determines assessable fees and A request to waive fees

assessable to the category you are placed in is a separate action.

The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

The term "news" means information that is about current events or that would be of current interest to the public.

Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public.

These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category.

In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a requester in making this determination.

I have placed you in the other requesters category & provided the appeal procedures.

Regarding fees. The criteria for a fee waiver, which is a separate action, is

Waiver or reduction of the fees is appropriate when it is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester.

Now that you have specifically identified your request as being for a waiver of fees & not just a fee category determination I can address that request as well. Your request does not meet the criteria for a fee waiver. The appeal procedures for a fee waiver are the same as provided for the category determination.

If you choose to appeal either or both the fee waiver denial or the category determination, appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this e-mail.

Include in your appeal letter the reasons for reconsidering your request

for a fee waiver or changing your category determination, and attach a copy of this letter.

Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

Regarding your offer of terms:

The fees assessable are based on the category you are placed in. You have been placed in the other requesters category & your fee waiver, now that you have identified that as your intent, has been disapproved. If you wish to appeal please follow the procedures provided.

Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]
Sent: Wednesday, August 25, 2010 3:15 PM
To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Dear Mr. Hansel,

This is getting really old.

Just because you don't like the article/blog I am writing about USAF doesn't mean you can deny my request for a fee waiver for the Journalist Exemption.

USAF came to my Web site yesterday (August 24, 2010) and read my article How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors.

This is from my server log:

```
dhcp-28-74.hq.af.mil 134.205.28.74 - - [24/Aug/2010:04:19:14
-0700] "GET /usaf/usaf_web.htm HTTP/1.1" 200 132162 "-" "Mozilla/4.0
(compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; .NET
CLR 3.0.30618; .NET CLR 3.5.30729; InfoPath.2; MS-RTC LM 8)"
```

If that wasn't you, then it simply means you are acting on orders from USAF HQ.

I would like you to reconsider your course of action.

1. USAF is the only Federal Agency to ever deny my request for a fee waiver.
2. I received a full fee waiver on USAF FOIA Case No. 2010-04191-F. See attached file: f1_15_patrick.pdf .
3. My fee waiver request on USAF FOIA Case 2010-5988 & 5989 was initially denied. Then I was informed I would receive the first 100 pages free and would be required to pay \$0.15 per page thereafter but there would be no other fees. See attached file: f2_06_langley.pdf
4. I asked for reconsideration based on the following:
 - a. I had already been granted a full fee waiver in Case 2010-04191-F.
 - b. USAF has been visiting my Web sit for years and obtaining useful information.

See attached files: f2_07_langley.pdf and f2_07a_langley_jm_af1.txt .

I was eventually given a full fee waiver on FOIA Case Number 2010-0030, FOIAexpress Case #2010-06428-F. See attached file f3_07_holloman.pdf .

I will offer you the same terms that I have offered in the past:

1. Full waiver of search fees.
2. First 100 pages free.
3. Copy costs of \$0.15 per page thereafter.
4. I authorize up to \$45 in copy costs as long as:
 - a. There are no duplicates.

b. There are no copies of documents I have sent to USAF.

This is the best offer I will make to USAF. You should accept it.

Otherwise, since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF has to offer and that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

By the way, I have hard evidence that the C-130 uses synthetic vision. If you want to know how really useful synthetic vision is, ask one of your C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil
<<mailto:chris.kennerly@pentagon.af.mil>>

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
<roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>> >
To: <jm@jmargolin.com <<mailto:jm@jmargolin.com>> >
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil
<<mailto:pacaf.foia@hickam.af.mil>> >; "Yokota 374th org box"
<374cs.scokknowledgeops@yokota.af.mil
<<mailto:374cs.scokknowledgeops@yokota.af.mil>> >
Sent: Wednesday, August 25, 2010 2:42 PM
Subject: 2010-06811-F Margolin Yokota receipt acknowledged journalist
category denied

Mr. Margolin,

This e-mail is in response to your FOIA request for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by the USAF.

In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

If you interpret this category determination as an adverse action you may appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this letter. Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

Email Separator

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>; "PACAF FOIA" <pacaf.foia@hickam.af.mil>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil>
Sent: Tuesday, August 31, 2010 11:59 AM
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied
Dear Mr. Hansel.

Your protestation that you do not know -and have not been able to find out- the meaning of the term "Legal Service" is hardly credible in view of the legal hair-splitting you are engaging in which has left the Freedom of Information Act in desperate need of Rogaine.

From The Federal Rules of Civil Procedure Rule 4(b):

(b) ISSUANCE. On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. A summons — or a copy of a summons that is addressed to multiple defendants — must be issued for each defendant to be served.

From The Federal Rules of Civil Procedure Rule 4(i):

(i) SERVING THE UNITED STATES AND ITS AGENCIES, CORPORATIONS, OFFICERS, OR EMPLOYEES.

(1) United States. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought — or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk — or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or

employee.

(3) Officer or Employee Sued Individually. To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

When I file suit against USAF for failing to comply with the Freedom of Information Act (§552 *et seq.*) I am required to:

1. Either mail or personally deliver a copy of the Summons and Complaint to the U.S. Attorney for the District in which I bring the action;
2. Mail (by Certified or Registered U.S. Mail) a copy of the Summons and Complaint to the Attorney General of the United States;
3. Mail (by Certified or Registered U.S. Mail) a copy of the Summons and Complaint to the U.S. Agency -in this case USAF- that I am suing.

The term "address at which USAF accepts Legal Service" is the address that I am required to send the Summons and Complaint to under Rule(4)(i).

Normally, the address at which an Agency accepts Legal Service is provided when a FOIA Requestor's Appeal is denied. However, in a related USAF FOIA case my Appeal has been ignored. I expect the same thing to happen here. As a result, I do not have an official statement providing the address at which USAF accepts Legal Service. Your unwillingness to provide it is probative.

Mr. Hansel, with your willful actions to frustrate the intent of the Freedom of Information Act and your pretended ignorance of the meaning of the term "Legal Service" I believe you have given me cause to include you personally as a Defendant in this case.

Please give me the address for sending you a copy of the Summons and Complaint under the Federal Rules of Civil Procedure Rule 4(i)(3).

Jed Margolin

=====
 ----- Original Message -----
 From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>
 To: "Jed Margolin" <jm@jmargolin.com>; "PACAF FOIA" <pacaf.foia@hickam.af.mil>
 Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil>
 Sent: Monday, August 30, 2010 4:20 PM
 Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

When I say I am going to process your appeal it means I will send it through the appeal process. I will not make the final decision on your appeal.

Air Force/JACL is an Air Force level legal office. They should be able to assist you & answer any questions you have regarding an address where the Air Force "accepts legal service." I am unfamiliar with the term & contacted our local legal office who is not sure what you mean by the term "accepts legal service." You indicated below

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

is the address you intend to use and they should be able to assist you.

I've explained a category determination and a fee waiver request are two different things and the difference between a category determination and a fee waiver.

I've explained the criteria for the news media category and the fee waiver criteria.

I've explained the appeal procedures.

If you agree to the category determination & to paying fees assessable to the other fee category I can process your request. If you decide to appeal I can process your appeal.

If you are dissatisfied with the response you have received from this office, you may contact the Air Force FOIA Public Liaison Office

1800 Air Force Pentagon
Washington, DC 20330-1800
Phone: (703) 696-6487
Fax: (703) 696-4421

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]

Sent: Thursday, August 26, 2010 5:11 PM

To: PACAF FOIA

Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF

HAF/IMIO

Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Hansel.

1. When you say you are going to process my appeal, does that mean you are going to decide my appeal?

If that is the case, I would like you to stop wasting my time and confirm that I have exhausted all the administrative remedies that USAF has to offer.

2. When you say that, "The address you provided for Air Force/JACL is a valid address" do you mean that it is the address at which USAF accepts legal service?

Simply saying it is a valid address does not answer my question. I asked you if it is the address at which USAF accepts legal service.

This is your last chance. Are you going to answer my question or not?

3. I would like contact information for your immediate superior.

Jed Margolin

=====
----- Original Message -----

From: "PACAF FOIA" <pacaf.foia@hickam.af.mil>

To: "Jed Margolin" <jm@jmargolin.com>

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops"

<374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF
HAF/IMIO"

<chris.kennerly@pentagon.af.mil>

Sent: Thursday, August 26, 2010 3:28 PM

Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
journalist
category denied

Mr. Margolin,

I provided you the procedures, 60 day time limit, and address for you to appeal the fee category determination & fee waiver denial as an administrative remedy.

As you have indicated below your intent to file an appeal I will process your appeal upon receipt.

Your request will be closed if you do not agree to the fee category you have been placed in & to pay assessable fees for that category.

This is a separate action from your appeal & is the result of not receiving a fee agreement. Without a fee agreement and fee category determination agreement I cannot process your FOIA request. This does not prevent you from resubmitting your request at a later date if you choose to accept the fee category and assessable fees or if upon appeal you are granted a fee waiver and/or the news media category.

The address you provided for Air Force/JACL is a valid address.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]
 Sent: Thursday, August 26, 2010 11:19 AM
 To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Mr. Hansel.

You have rejected my offer of what I consider a very reasonable compromise regarding fees. Because you rejected my offer, that offer is hereby terminated.

All you are doing is playing word games. My request for a fee waiver was very explicit. A reasonable person would not be confused by it the way you pretend to be.

Also, on one hand you state that I have 60 days to appeal your ruling to the Secretary of the Air Force, while on the other hand you state:

" Your request remains on hold pending your agreement to being

placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed. "

Which is it?

I will certainly appeal your decision to SAF.

If this is the response you have asked for, then you have it.

BTW, you have failed to confirm that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

Your behavior has pretty much guaranteed that I will end up filing suit against USAF.

Since you have refused to confirm that this is the correct address, then that is the address I will use. Then I will ask the Court to sanction USAF for its behavior in a matter that is considered common courtesy.

I will also ask the Court to sanction you personally for your behavior.

The purpose of the Freedom of Information Act is to allow the American People to see how their Government works. Your behavior in this matter will significantly contribute to public understanding of the operations and activities of the Department of Defense.

I believe they will be as disappointed in you as I am.

Jed Margolin

=====

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
<roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> >
To: "Jed Margolin" <jm@jmargolin.com> <<mailto:jm@jmargolin.com>> >
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>
<<mailto:pacaf.foia@hickam.af.mil>> >; "374 CS/SCOK Knowledge Ops"
<374cs.knowledgeops@yokota.af.mil>
<<mailto:374cs.knowledgeops@yokota.af.mil>> >; "Kennerly, Chris TSgt MIL
USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>
<<mailto:chris.kennerly@pentagon.af.mil>> >

Sent: Thursday, August 26, 2010 10:10 AM
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Margolin,

By journalist exemption I interpreted your request to mean you requested to be placed in the Educational or Noncommercial Scientific Institution or News Media category as opposed to the commercial category or all others category for fees. This is not an exemption, it is a category which determines assessable fees.

There is no journalist fee waiver exemption. Category determination is one action which determines assessable fees and A request to waive fees assessable to the category you are placed in is a separate action.

The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

The term "news" means information that is about current events or that would be of current interest to the public.

Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public.

These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category.

In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even through not actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a requester in making this determination.

I have placed you in the other requesters category & provided the appeal procedures.

Regarding fees. The criteria for a fee waiver, which is a separate action, is

Waiver or reduction of the fees is appropriate when it is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of

the Department of Defense and is not primarily in the commercial interest of the requester.

Now that you have specifically identified your request as being for a waiver of fees & not just a fee category determination I can address that request as well. Your request does not meet the criteria for a fee waiver. The appeal procedures for a fee waiver are the same as provided for the category determination.

If you choose to appeal either or both the fee waiver denial or the category determination, appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this e-mail.

Include in your appeal letter the reasons for reconsidering your request for a fee waiver or changing your category determination, and attach a copy of this letter.

Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

Regarding your offer of terms:

The fees assessable are based on the category you are placed in. You have been placed in the other requesters category & your fee waiver, now that you have identified that as your intent, has been disapproved. If you wish to appeal please follow the procedures provided.

Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]

Sent: Wednesday, August 25, 2010 3:15 PM

To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)

Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF

HAF/IMIO

Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Dear Mr. Hansel,

This is getting really old.

Just because you don't like the article/blog I am writing about USAF
doesn't mean you can deny my request for a fee waiver for the Journalist
Exemption.

USAF came to my Web site yesterday (August 24, 2010) and read my article
How the United States Air Force Plays the Shell Game with the Freedom of
Information Act and How They Treat Independent Inventors.

This is from my server log:

```
dhcp-28-74.hq.af.mil 134.205.28.74 - - [24/Aug/2010:04:19:14  
-0700] "GET /usaf/usaf_web.htm HTTP/1.1" 200 132162 "-" "Mozilla/4.0  
(compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; .NET  
CLR 3.0.30618; .NET CLR 3.5.30729; InfoPath.2; MS-RTC LM 8)"
```

If that wasn't you, then it simply means you are acting on orders from
USAF HQ.

I would like you to reconsider your course of action.

1. USAF is the only Federal Agency to ever deny my request for a fee
waiver.
2. I received a full fee waiver on USAF FOIA Case No. 2010-04191-F. See
attached file: f1_15_patrick.pdf .
3. My fee waiver request on USAF FOIA Case 2010-5988 & 5989 was
initially denied. Then I was informed I would receive the first 100
pages free and would be required to pay \$0.15 per page thereafter but
there would be no other fees. See attached file: f2_06_langley.pdf
4. I asked for reconsideration based on the following:
 - a. I had already been granted a full fee waiver in Case
2010-04191-F.
 - b. USAF has been visiting my Web sit for years and obtaining
useful information.

See attached files: f2_07_langley.pdf and f2_07a_langley_jm_af1.txt .

I was eventually given a full fee waiver on FOIA Case Number 2010-0030, FOIAexpress Case #2010-06428-F. See attached file f3_07_holloman.pdf .

I will offer you the same terms that I have offered in the past:

1. Full waiver of search fees.
2. First 100 pages free.
3. Copy costs of \$0.15 per page thereafter.
4. I authorize up to \$45 in copy costs as long as:
 - a. There are no duplicates.
 - b. There are no copies of documents I have sent to USAF.

This is the best offer I will make to USAF. You should accept it.

Otherwise, since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF has to offer and that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

By the way, I have hard evidence that the C-130 uses synthetic vision. If you want to know how really useful synthetic vision is, ask one of your C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil
<<mailto:chris.kennerly@pentagon.af.mil>>

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
<roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>> >

To: <jm@jmargolin.com <<mailto:jm@jmargolin.com>> >

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil
<<mailto:pacaf.foia@hickam.af.mil>> >; "Yokota 374th org box"

<374cs.scokknowledgeops@yokota.af.mil
<<mailto:374cs.scokknowledgeops@yokota.af.mil>> >

Sent: Wednesday, August 25, 2010 2:42 PM

Subject: 2010-06811-F Margolin Yokota receipt acknowledged journalist

category denied

Mr. Margolin,

This e-mail is in response to your FOIA request for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by the USAF.

In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

If you interpret this category determination as an adverse action you may appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this letter. Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

Email Separator

Jed Margolin

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>
To: "Jed Margolin" <jm@jmargolin.com>; "PACAF FOIA" <pacaf.foia@hickam.af.mil>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil>
Sent: Tuesday, August 31, 2010 12:01 PM
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied Mr. Margolin,

I've already responded confirming the address you provided is the correct address.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]
 Sent: Tuesday, August 31, 2010 9:00 AM
 To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA); PACAF FOIA
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO; Sherman, Wendy L LtCol USAF PACAF JA/JA
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Dear Mr. Hansel.

Your protestation that you do not know -and have not been able to find out- the meaning of the term "Legal Service" is hardly credible in view of the legal hair-splitting you are engaging in which has left the Freedom of Information Act in desperate need of Rogaine.

From The Federal Rules of Civil Procedure Rule 4(b):

(b) ISSUANCE. On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. A summons - or a

copy of a summons that is addressed to multiple defendants - must be issued for each defendant to be served.

From The Federal Rules of Civil Procedure Rule 4(i):

(i) SERVING THE UNITED STATES AND ITS AGENCIES, CORPORATIONS, OFFICERS, OR EMPLOYEES.

(1) United States. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought - or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk - or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) Officer or Employee Sued Individually. To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed

on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

When I file suit against USAF for failing to comply with the Freedom of Information Act (§552 et seq.) I am required to:

1. Either mail or personally deliver a copy of the Summons and Complaint to the U.S. Attorney for the District in which I bring the action;
2. Mail (by Certified or Registered U.S. Mail) a copy of the Summons and Complaint to the Attorney General of the United States;
3. Mail (by Certified or Registered U.S. Mail) a copy of the Summons and Complaint to the U.S. Agency -in this case USAF- that I am suing.

The term "address at which USAF accepts Legal Service" is the address that I am required to send the Summons and Complaint to under Rule(4)(i).

Normally, the address at which an Agency accepts Legal Service is provided when a FOIA Requestor's Appeal is denied. However, in a related USAF FOIA case my Appeal has been ignored. I expect the same thing to happen here. As a result, I do not have an official statement providing the address at which USAF accepts Legal Service. Your unwillingness to provide it is probative.

Mr. Hansel, with your willful actions to frustrate the intent of the Freedom of Information Act and your pretended ignorance of the meaning of the term "Legal Service" I believe you have given me cause to include you personally as a Defendant in this case.

Please give me the address for sending you a copy of the Summons and Complaint under the Federal Rules of Civil Procedure Rule 4(i)(3).

Jed Margolin

=====
 ----- Original Message -----
 From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> >
 To: "Jed Margolin" <jm@jmargolin.com> <<mailto:jm@jmargolin.com>> >; "PACAF FOIA" <pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >
 Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil> <<mailto:374cs.knowledgeops@yokota.af.mil>> >; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> >; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil> <<mailto:Wendy.Sherman@hickam.af.mil>> >
 Sent: Monday, August 30, 2010 4:20 PM
 Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

When I say I am going to process your appeal it means I will send it through the appeal process. I will not make the final decision on your appeal.

Air Force/JACL is an Air Force level legal office. They should be able to assist you & answer any questions you have regarding an address where the Air Force "accepts legal service." I am unfamiliar with the term & contacted our local legal office who is not sure what you mean by the term "accepts legal service." You indicated below

Air Force/JACL
 1501 Wilson Blvd.
 Arlington, VA 22209-2403

is the address you intend to use and they should be able to assist you.

I've explained a category determination and a fee waiver request are two different things and the difference between a category determination and a fee waiver.

I've explained the criteria for the news media category and the fee waiver criteria.

I've explained the appeal procedures.

If you agree to the category determination & to paying fees assessable to the other fee category I can process your request. If you decide to

appeal I can process your appeal.

If you are dissatisfied with the response you have received from this office, you may contact the Air Force FOIA Public Liaison Office

1800 Air Force Pentagon
Washington, DC 20330-1800
Phone: (703) 696-6487
Fax: (703) 696-4421

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]
Sent: Thursday, August 26, 2010 5:11 PM
To: PACAF FOIA
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Hansel.

1. When you say you are going to process my appeal, does that mean you are going to decide my appeal?

If that is the case, I would like you to stop wasting my time and confirm that I have exhausted all the administrative remedies that USAF has to offer.

2. When you say that, "The address you provided for Air Force/JACL is a valid address" do you mean that it is the address at which USAF accepts legal service?

Simply saying it is a valid address does not answer my question. I asked you if it is the address at which USAF accepts legal service.

This is your last chance. Are you going to answer my question or not?

3. I would like contact information for your immediate superior.

Jed Margolin

=====

----- Original Message -----

From: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> >

To: "Jed Margolin" <jm@jmargolin.com <<mailto:jm@jmargolin.com>> >

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> >; "374 CS/SCOK Knowledge Ops"

<374cs.knowledgeops@yokota.af.mil <<mailto:374cs.knowledgeops@yokota.af.mil>> >;

"Kennerly, Chris TSgt MIL USAF
HAF/IMIO"

<chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>> >

Sent: Thursday, August 26, 2010 3:28 PM

Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
journalist
category denied

Mr. Margolin,

I provided you the procedures, 60 day time limit, and address for you to appeal the fee category determination & fee waiver denial as an administrative remedy.

As you have indicated below your intent to file an appeal I will process your appeal upon receipt.

Your request will be closed if you do not agree to the fee category you have been placed in & to pay assessable fees for that category.

This is a separate action from your appeal & is the result of not receiving a fee agreement. Without a fee agreement and fee category determination agreement I cannot process your FOIA request. This does not prevent you from resubmitting your request at a later date if you choose to accept the fee category and assessable fees or if upon appeal you are granted a fee waiver and/or the news media category.

The address you provided for Air Force/JACL is a valid address.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]

Sent: Thursday, August 26, 2010 11:19 AM

To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)

Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO

Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Hansel.

You have rejected my offer of what I consider a very reasonable compromise regarding fees. Because you rejected my offer, that offer is hereby terminated.

All you are doing is playing word games. My request for a fee waiver was very explicit. A reasonable person would not be confused by it the way you pretend to be.

Also, on one hand you state that I have 60 days to appeal your ruling to the Secretary of the Air Force, while on the other hand you state:

" Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed. "

Which is it?

I will certainly appeal your decision to SAF.

If this is the response you have asked for, then you have it.

BTW, you have failed to confirm that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

Your behavior has pretty much guaranteed that I will end up filing suit against USAF.

Since you have refused to confirm that this is the correct address, then that is the address I will use. Then I will ask the Court to sanction USAF for its behavior in a matter that is considered common courtesy.

I will also ask the Court to sanction you personally for your behavior.

The purpose of the Freedom of Information Act is to allow the American People to see how their Government works. Your behavior in this matter will significantly contribute to public understanding of the operations and activities of the Department of Defense.

I believe they will be as disappointed in you as I am.

Jed Margolin

=====

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>>
<mailto:roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> > >
 To: "Jed Margolin" <jm@jmargolin.com <<mailto:jm@jmargolin.com>>
<mailto:jm@jmargolin.com> <<mailto:jm@jmargolin.com>> > >
 Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>
<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> > >; "374 CS/SCOK
 Knowledge Ops"
374cs.knowledgeops@yokota.af.mil <<mailto:374cs.knowledgeops@yokota.af.mil>>
<mailto:374cs.knowledgeops@yokota.af.mil> <<mailto:374cs.knowledgeops@yokota.af.mil>> > >;
 "Kennerly, Chris TSgt MIL
 USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>>
<mailto:chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> > >
 Sent: Thursday, August 26, 2010 10:10 AM
 Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Mr. Margolin,

By journalist exemption I interpreted your request to mean you requested to be placed in the Educational or Noncommercial Scientific Institution or News Media category as opposed to the commercial category or all others category for fees. This is not an exemption, it is a category which determines assessable fees.

There is no journalist fee waiver exemption. Category determination is one action which determines assessable fees and A request to waive fees assessable to the category you are placed in is a separate action.

The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

The term "news" means information that is about current events or that

would be of current interest to the public.

Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public.

These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category.

In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a requester in making this determination.

I have placed you in the other requesters category & provided the appeal procedures.

Regarding fees. The criteria for a fee waiver, which is a separate action, is

Waiver or reduction of the fees is appropriate when it is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester.

Now that you have specifically identified your request as being for a waiver of fees & not just a fee category determination I can address that request as well. Your request does not meet the criteria for a fee waiver. The appeal procedures for a fee waiver are the same as provided for the category determination.

If you choose to appeal either or both the fee waiver denial or the category determination, appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this e-mail.

Include in your appeal letter the reasons for reconsidering your request for a fee waiver or changing your category determination, and attach a copy of this letter.

Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)

25 E Street, Suite C-302
Hickam AFB HI 96853

Regarding your offer of terms:

The fees assessable are based on the category you are placed in. You have been placed in the other requesters category & your fee waiver, now that you have identified that as your intent, has been disapproved. If you wish to appeal please follow the procedures provided.

Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>
<<mailto:pacaf.foia@hickam.af.mil>> <<mailto:pacaf.foia@hickam.af.mil>> >

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]
Sent: Wednesday, August 25, 2010 3:15 PM
To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Dear Mr. Hansel,

This is getting really old.

Just because you don't like the article/blog I am writing about USAF doesn't mean you can deny my request for a fee waiver for the Journalist Exemption.

USAF came to my Web site yesterday (August 24, 2010) and read my article How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors.

This is from my server log:

```
dhcp-28-74.hq.af.mil 134.205.28.74 - - [24/Aug/2010:04:19:14
-0700] "GET /usaf/usaf_web.htm HTTP/1.1" 200 132162 "-" "Mozilla/4.0
(compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; .NET
```

CLR 3.0.30618; .NET CLR 3.5.30729; InfoPath.2; MS-RTC LM 8)"

If that wasn't you, then it simply means you are acting on orders from USAF HQ.

I would like you to reconsider your course of action.

1. USAF is the only Federal Agency to ever deny my request for a fee waiver.
2. I received a full fee waiver on USAF FOIA Case No. 2010-04191-F. See attached file: f1_15_patrick.pdf .
3. My fee waiver request on USAF FOIA Case 2010-5988 & 5989 was initially denied. Then I was informed I would receive the first 100 pages free and would be required to pay \$0.15 per page thereafter but there would be no other fees. See attached file: f2_06_langley.pdf
4. I asked for reconsideration based on the following:
 - a. I had already been granted a full fee waiver in Case 2010-04191-F.
 - b. USAF has been visiting my Web sit for years and obtaining useful information.

See attached files: f2_07_langley.pdf and f2_07a_langley_jm_af1.txt .

I was eventually given a full fee waiver on FOIA Case Number 2010-0030, FOIAexpress Case #2010-06428-F. See attached file f3_07_holloman.pdf .

I will offer you the same terms that I have offered in the past:

1. Full waiver of search fees.
2. First 100 pages free.
3. Copy costs of \$0.15 per page thereafter.
4. I authorize up to \$45 in copy costs as long as:
 - a. There are no duplicates.
 - b. There are no copies of documents I have sent to USAF.

This is the best offer I will make to USAF. You should accept it.

Otherwise, since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF

has to offer and that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

By the way, I have hard evidence that the C-130 uses synthetic vision. If you want to know how really useful synthetic vision is, ask one of your C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>>
<<mailto:chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> >

=====

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
<roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>>
<<mailto:roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> > >
To: <jm@jmargolin.com <<mailto:jm@jmargolin.com>> <<mailto:jm@jmargolin.com>
<<mailto:jm@jmargolin.com>> > >
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>
<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> > >; "Yokota 374th org
box"
<374cs.scokknowledgeops@yokota.af.mil <<mailto:374cs.scokknowledgeops@yokota.af.mil>>
<<mailto:374cs.scokknowledgeops@yokota.af.mil>
<<mailto:374cs.scokknowledgeops@yokota.af.mil>> > >
Sent: Wednesday, August 25, 2010 2:42 PM
Subject: 2010-06811-F Margolin Yokota receipt acknowledged journalist
category denied

Mr. Margolin,

This e-mail is in response to your FOIA request for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by the USAF.

In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is

denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

If you interpret this category determination as an adverse action you may appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this letter. Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>
<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >

Email Separator

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>; "PACAF FOIA" <pacaf.foia@hickam.af.mil>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil>
Sent: Tuesday, August 31, 2010 2:28 PM
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied
Dear Mr. Hansel.

You wrote:

>I've already responded confirming the address you provided is the correct address.

The correct address for what?

You have said you don't know what "Legal Service" is, and that "Air Force/JACL is an Air Force Level legal office."

Air Force/JACL is an Air Force level legal office. They should be able to assist you & answer any questions you have regarding an address where the Air Force "accepts legal service." I am unfamiliar with the term & contacted our local legal office who is not sure what you mean by the term "accepts legal service." You indicated below

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

is the address you intend to use and they should be able to assist you.

Previously, you said that, "The address you provided for Air Force/JACL is a valid address."

1. If your "local legal office" doesn't know what "Legal Service" is they should all be fired.
2. All you have done is attempt to preserve plausible deniability for USAF and for yourself and you have done so in a particularly infuriating manner.
3. And as is typical of your style you have refused to answer a direct question.

Please give me the address for sending you a copy of the Summons and Complaint under the Federal Rules of Civil Procedure Rule 4(i)(3).

Jed Margolin

=====

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>
To: "Jed Margolin" <jm@jmargolin.com>; "PACAF FOIA" <pacaf.foia@hickam.af.mil>

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil>
 Sent: Tuesday, August 31, 2010 12:01 PM
 Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

I've already responded confirming the address you provided is the correct address.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]
 Sent: Tuesday, August 31, 2010 9:00 AM
 To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA); PACAF FOIA
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO; Sherman, Wendy L LtCol USAF PACAF JA/JA
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Dear Mr. Hansel.

Your protestation that you do not know -and have not been able to find out- the meaning of the term "Legal Service" is hardly credible in view of the legal hair-splitting you are engaging in which has left the Freedom of Information Act in desperate need of Rogaine.

From The Federal Rules of Civil Procedure Rule 4(b):

(b) ISSUANCE. On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. A summons - or a copy of a summons that is addressed to multiple defendants - must be issued for each defendant to be served.

From The Federal Rules of Civil Procedure Rule 4(i):

(i) SERVING THE UNITED STATES AND ITS AGENCIES, CORPORATIONS, OFFICERS, OR EMPLOYEES.

(1) United States. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought - or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk - or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States

attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) Officer or Employee Sued Individually. To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

When I file suit against USAF for failing to comply with the Freedom of Information Act (§552 et seq.) I am required to:

1. Either mail or personally deliver a copy of the Summons and Complaint to the U.S. Attorney for the District in which I bring the action;
2. Mail (by Certified or Registered U.S. Mail) a copy of the Summons and Complaint to the Attorney General of the United States;
3. Mail (by Certified or Registered U.S. Mail) a copy of the Summons and Complaint to the U.S. Agency -in this case USAF- that I am suing.

The term "address at which USAF accepts Legal Service" is the address that I am required to send the Summons and Complaint to under Rule(4)(i).

Normally, the address at which an Agency accepts Legal Service is provided when a FOIA Requestor's Appeal is denied. However, in a related USAF FOIA case my Appeal has been ignored. I expect the same thing to happen here. As a result, I do not have an official statement providing the address at which USAF accepts Legal Service. Your unwillingness to provide it is probative.

Mr. Hansel, with your willful actions to frustrate the intent of the Freedom of Information Act and your pretended ignorance of the meaning of the term "Legal Service" I believe you have given me cause to include you personally as a Defendant in this case.

Please give me the address for sending you a copy of the Summons and Complaint under the Federal Rules of Civil Procedure Rule 4(i)(3).

Jed Margolin

=====

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> >

To: "Jed Margolin" <jm@jmargolin.com> <<mailto:jm@jmargolin.com>> >; "PACAF FOIA"

<pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> >
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> >; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil <<mailto:374cs.knowledgeops@yokota.af.mil>> >; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>> >; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil <<mailto:Wendy.Sherman@hickam.af.mil>> >
Sent: Monday, August 30, 2010 4:20 PM
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

When I say I am going to process your appeal it means I will send it through the appeal process. I will not make the final decision on your appeal.

Air Force/JACL is an Air Force level legal office. They should be able to assist you & answer any questions you have regarding an address where the Air Force "accepts legal service." I am unfamiliar with the term & contacted our local legal office who is not sure what you mean by the term "accepts legal service." You indicated below

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

is the address you intend to use and they should be able to assist you.

I've explained a category determination and a fee waiver request are two different things and the difference between a category determination and a fee waiver.

I've explained the criteria for the news media category and the fee waiver criteria.

I've explained the appeal procedures.

If you agree to the category determination & to paying fees assessable to the other fee category I can process your request. If you decide to appeal I can process your appeal.

If you are dissatisfied with the response you have received from this office, you may contact the Air Force FOIA Public Liaison Office

1800 Air Force Pentagon
Washington, DC 20330-1800
Phone: (703) 696-6487
Fax: (703) 696-4421

ROGER V. HANSEL

HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]
Sent: Thursday, August 26, 2010 5:11 PM
To: PACAF FOIA
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Hansel.

1. When you say you are going to process my appeal, does that mean you are going to decide my appeal?

If that is the case, I would like you to stop wasting my time and confirm that I have exhausted all the administrative remedies that USAF has to offer.

2. When you say that, "The address you provided for Air Force/JACL is a valid address" do you mean that it is the address at which USAF accepts legal service?

Simply saying it is a valid address does not answer my question. I asked you if it is the address at which USAF accepts legal service.

This is your last chance. Are you going to answer my question or not?

3. I would like contact information for your immediate superior.

Jed Margolin

=====
----- Original Message -----

From: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> >
To: "Jed Margolin" <jm@jmargolin.com <<mailto:jm@jmargolin.com>> >
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> >; "374 CS/SCOK Knowledge Ops"

<374cs.knowledgeops@yokota.af.mil <<mailto:374cs.knowledgeops@yokota.af.mil>> >; "Kennerly, Chris TSgt MIL USAF HAF/IMIO"

<chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>> >
Sent: Thursday, August 26, 2010 3:28 PM

Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
journalist
category denied

Mr. Margolin,

I provided you the procedures, 60 day time limit, and address for you to appeal the fee category determination & fee waiver denial as an administrative remedy.

As you have indicated below your intent to file an appeal I will process your appeal upon receipt.

Your request will be closed if you do not agree to the fee category you have been placed in & to pay assessable fees for that category.

This is a separate action from your appeal & is the result of not receiving a fee agreement. Without a fee agreement and fee category determination agreement I cannot process your FOIA request. This does not prevent you from resubmitting your request at a later date if you choose to accept the fee category and assessable fees or if upon appeal you are granted a fee waiver and/or the news media category.

The address you provided for Air Force/JACL is a valid address.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]
Sent: Thursday, August 26, 2010 11:19 AM
To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Hansel.

You have rejected my offer of what I consider a very reasonable compromise regarding fees. Because you rejected my offer, that offer is hereby terminated.

All you are doing is playing word games. My request for a fee waiver was very explicit. A reasonable person would not be confused by it the way you pretend to be.

Also, on one hand you state that I have 60 days to appeal your ruling to the Secretary of the Air Force, while on the other hand you state:

" Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed. "

Which is it?

I will certainly appeal your decision to SAF.

If this is the response you have asked for, then you have it.

BTW, you have failed to confirm that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

Your behavior has pretty much guaranteed that I will end up filing suit against USAF.

Since you have refused to confirm that this is the correct address, then that is the address I will use. Then I will ask the Court to sanction USAF for its behavior in a matter that is considered common courtesy.

I will also ask the Court to sanction you personally for your behavior.

The purpose of the Freedom of Information Act is to allow the American People to see how their Government works. Your behavior in this matter will significantly contribute to public understanding of the operations and activities of the Department of Defense.

I believe they will be as disappointed in you as I am.

Jed Margolin

=====

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
<roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>>>
<<mailto:roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>>>>
To: "Jed Margolin" <jm@jmargolin.com <<mailto:jm@jmargolin.com>> <<mailto:jm@jmargolin.com>>>>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>>
<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>>>>; "374 CS/SCOK Knowledge Ops"
<374cs.knowledgeops@yokota.af.mil <<mailto:374cs.knowledgeops@yokota.af.mil>>>
<<mailto:374cs.knowledgeops@yokota.af.mil> <<mailto:374cs.knowledgeops@yokota.af.mil>>>>;

"Kennerly, Chris TSgt MIL
USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>>
<<mailto:chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> > >
Sent: Thursday, August 26, 2010 10:10 AM
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Margolin,

By journalist exemption I interpreted your request to mean you requested to be placed in the Educational or Noncommercial Scientific Institution or News Media category as opposed to the commercial category or all others category for fees. This is not an exemption, it is a category which determines assessable fees.

There is no journalist fee waiver exemption. Category determination is one action which determines assessable fees and A request to waive fees assessable to the category you are placed in is a separate action.

The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

The term "news" means information that is about current events or that would be of current interest to the public.

Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public.

These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category.

In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a requester in making this determination.

I have placed you in the other requesters category & provided the appeal procedures.

Regarding fees. The criteria for a fee waiver, which is a separate action, is

Waiver or reduction of the fees is appropriate when it is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester.

Now that you have specifically identified your request as being for a waiver of fees & not just a fee category determination I can address that request as well. Your request does not meet the criteria for a fee waiver. The appeal procedures for a fee waiver are the same as provided for the category determination.

If you choose to appeal either or both the fee waiver denial or the category determination, appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this e-mail.

Include in your appeal letter the reasons for reconsidering your request for a fee waiver or changing your category determination, and attach a copy of this letter.

Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

Regarding your offer of terms:

The fees assessable are based on the category you are placed in. You have been placed in the other requesters category & your fee waiver, now that you have identified that as your intent, has been disapproved. If you wish to appeal please follow the procedures provided.

Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> <<mailto:pacaf.foia@hickam.af.mil>>
<<mailto:pacaf.foia@hickam.af.mil>> >

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]
 Sent: Wednesday, August 25, 2010 3:15 PM
 To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Dear Mr. Hansel,

This is getting really old.

Just because you don't like the article/blog I am writing about USAF doesn't mean you can deny my request for a fee waiver for the Journalist Exemption.

USAF came to my Web site yesterday (August 24, 2010) and read my article How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors.

This is from my server log:

```
dhcp-28-74.hq.af.mil 134.205.28.74 - - [24/Aug/2010:04:19:14
-0700] "GET /usaf/usaf_web.htm HTTP/1.1" 200 132162 "-" "Mozilla/4.0
(compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; .NET
CLR 3.0.30618; .NET CLR 3.5.30729; InfoPath.2; MS-RTC LM 8)"
```

If that wasn't you, then it simply means you are acting on orders from USAF HQ.

I would like you to reconsider your course of action.

1. USAF is the only Federal Agency to ever deny my request for a fee waiver.
2. I received a full fee waiver on USAF FOIA Case No. 2010-04191-F. See attached file: f1_15_patrick.pdf .
3. My fee waiver request on USAF FOIA Case 2010-5988 & 5989 was initially denied. Then I was informed I would receive the first 100 pages free and would be required to pay \$0.15 per page thereafter but there would be no other fees. See attached file: f2_06_langley.pdf
4. I asked for reconsideration based on the following:
 - a. I had already been granted a full fee waiver in Case 2010-04191-F.
 - b. USAF has been visiting my Web sit for years and obtaining useful information.

See attached files: f2_07_langley.pdf and f2_07a_langley_jm_af1.txt .

I was eventually given a full fee waiver on FOIA Case Number 2010-0030, FOIAexpress Case #2010-06428-F. See attached file f3_07_holloman.pdf .

I will offer you the same terms that I have offered in the past:

1. Full waiver of search fees.
2. First 100 pages free.
3. Copy costs of \$0.15 per page thereafter.
4. I authorize up to \$45 in copy costs as long as:
 - a. There are no duplicates.
 - b. There are no copies of documents I have sent to USAF.

This is the best offer I will make to USAF. You should accept it.

Otherwise, since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF has to offer and that the address at which USAF accepts legal service is:

Air Force/JACL
 1501 Wilson Blvd.
 Arlington, VA 22209-2403

By the way, I have hard evidence that the C-130 uses synthetic vision. If you want to know how really useful synthetic vision is, ask one of your C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>>
 <<mailto:chris.kennerly@pentagon.af.mil>> <<mailto:chris.kennerly@pentagon.af.mil>> >

=====

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"

<roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>>

<<mailto:roger.hansel@hickam.af.mil>> <<mailto:roger.hansel@hickam.af.mil>> > >

To: <jm@jmargolin.com> <<mailto:jm@jmargolin.com>> <<mailto:jm@jmargolin.com>>

<<mailto:jm@jmargolin.com>> > >

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>>

<<mailto:pacaf.foia@hickam.af.mil>> <<mailto:pacaf.foia@hickam.af.mil>> > >; "Yokota 374th org box"

<374cs.scokknowledgeops@yokota.af.mil> <<mailto:374cs.scokknowledgeops@yokota.af.mil>>

<<mailto:374cs.scokknowledgeops@yokota.af.mil>> <<mailto:374cs.scokknowledgeops@yokota.af.mil>> >

>

Sent: Wednesday, August 25, 2010 2:42 PM

Subject: 2010-06811-F Margolin Yokota receipt acknowledged journalist

category denied

Mr. Margolin,

This e-mail is in response to your FOIA request for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by the USAF.

In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

If you interpret this category determination as an adverse action you may appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this letter. Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795

pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> <<mailto:pacaf.foia@hickam.af.mil>>
<<mailto:pacaf.foia@hickam.af.mil>> >

Email Separator

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "AF FOIA/PA" <af.foia@pentagon.af.mil>
Sent: Tuesday, August 31, 2010 2:37 PM
Subject: Fw: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied
 Your guy is going to get USAF sued in a §552 action.

It's going to be very public.

Indeed, it's already public: http://www.jmargolin.com/usaf/usaf_web.htm

Jed Margolin
www.jmargolin.com

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----- Original Message -----

From: [Jed Margolin](#)
To: [Hansel, Roger V Civ USAF PACAF A6/A6OB \(FOIA\)](#) ; [PACAF FOIA](#)
Cc: [PACAF FOIA](#) ; [374 CS/SCOK Knowledge Ops](#) ; [Kennerly, Chris TSgt MIL USAF HAF/IMIO](#) ;
[Sherman, Wendy L LtCol USAF PACAF JA/JA](#)
Sent: Tuesday, August 31, 2010 2:28 PM
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Dear Mr. Hansel.

You wrote:

>I've already responded confirming the address you provided is the correct address.

The correct address for what?

You have said you don't know what "Legal Service" is, and that "Air Force/JACL is an Air Force Level legal office."

Air Force/JACL is an Air Force level legal office. They should be able to assist you & answer any questions you have regarding an address where the Air Force "accepts legal service." I am unfamiliar with the term & contacted our local legal office who is not sure what you mean by the term "accepts legal service." You indicated below

Air Force/JACL
 1501 Wilson Blvd.
 Arlington, VA 22209-2403

is the address you intend to use and they should be able to assist you.

Previously, you said that, "The address you provided for Air Force/JACL is a valid address."

1. If your "local legal office" doesn't know what "Legal Service" is they should all be fired.
2. All you have done is attempt to preserve plausible deniability for USAF and for yourself and

you have done so in a particularly infuriating manner.

3. And as is typical of your style you have refused to answer a direct question.

Please give me the address for sending you a copy of the Summons and Complaint under the Federal Rules of Civil Procedure Rule 4(i)(3).

Jed Margolin

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----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>
 To: "Jed Margolin" <jm@jmargolin.com>; "PACAF FOIA" <pacaf.foia@hickam.af.mil>
 Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil>
 Sent: Tuesday, August 31, 2010 12:01 PM
 Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

I've already responded confirming the address you provided is the correct address.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]
 Sent: Tuesday, August 31, 2010 9:00 AM
 To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA); PACAF FOIA
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO; Sherman, Wendy L LtCol USAF PACAF JA/JA
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Dear Mr. Hansel.

Your protestation that you do not know -and have not been able to find out- the meaning of the term "Legal Service" is hardly credible in view of the legal hair-splitting you are engaging in which has left the Freedom of Information Act in desperate need of Rogaine.

From The Federal Rules of Civil Procedure Rule 4(b):

(b) ISSUANCE. On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. A summons - or a copy of a summons that is addressed to multiple

defendants - must be issued for each defendant to be served.

From The Federal Rules of Civil Procedure Rule 4(i):

(i) SERVING THE UNITED STATES AND ITS AGENCIES, CORPORATIONS, OFFICERS, OR EMPLOYEES.

(1) United States. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought - or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk - or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) Officer or Employee Sued Individually. To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

When I file suit against USAF for failing to comply with the Freedom of Information Act (§552 et seq.) I am required to:

1. Either mail or personally deliver a copy of the Summons and Complaint to the U.S. Attorney for the District in which I bring the action;
2. Mail (by Certified or Registered U.S. Mail) a copy of the Summons and Complaint to the Attorney General of the United States;
3. Mail (by Certified or Registered U.S. Mail) a copy of the Summons and Complaint to the U.S. Agency -in this case USAF- that I am suing.

The term "address at which USAF accepts Legal Service" is the address that I am required to send the Summons and Complaint to under Rule(4)(i).

Normally, the address at which an Agency accepts Legal Service is provided when a FOIA Requestor's Appeal is denied. However, in a related USAF FOIA case my Appeal has been ignored. I expect the same thing to happen here. As a result, I do not have an official statement providing the address at which USAF accepts Legal Service. Your unwillingness to provide it is probative.

Mr. Hansel, with your willful actions to frustrate the intent of the Freedom of Information Act and your pretended ignorance of the meaning of the term "Legal Service" I believe you have given me cause to include you personally as a Defendant in this case.

Please give me the address for sending you a copy of the Summons and Complaint under the Federal Rules of Civil Procedure Rule 4(i)(3).

Jed Margolin

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> >

To: "Jed Margolin" <jm@jmargolin.com> <<mailto:jm@jmargolin.com>> >; "PACAF FOIA" <pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil> <<mailto:374cs.knowledgeops@yokota.af.mil>> >; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> >; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil> <<mailto:Wendy.Sherman@hickam.af.mil>> >

Sent: Monday, August 30, 2010 4:20 PM

Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

When I say I am going to process your appeal it means I will send it through the appeal process. I will not make the final decision on your appeal.

Air Force/JACL is an Air Force level legal office. They should be able to assist you & answer any questions you have regarding an address where the Air Force "accepts legal service." I am unfamiliar with the term & contacted our local legal office who is not sure what you mean by the term "accepts legal service." You indicated below

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

is the address you intend to use and they should be able to assist you.

I've explained a category determination and a fee waiver request are two different things and the difference between a category determination and a fee waiver.

I've explained the criteria for the news media category and the fee waiver criteria.

I've explained the appeal procedures.

If you agree to the category determination & to paying fees assessable to the other fee category I can process your request. If you decide to appeal I can process your appeal.

If you are dissatisfied with the response you have received from this office, you may contact the Air Force FOIA Public Liaison Office

1800 Air Force Pentagon
Washington, DC 20330-1800
Phone: (703) 696-6487
Fax: (703) 696-4421

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]
Sent: Thursday, August 26, 2010 5:11 PM
To: PACAF FOIA
Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
journalist category denied

Mr. Hansel.

1. When you say you are going to process my appeal, does that mean you are going to decide my appeal?

If that is the case, I would like you to stop wasting my time and confirm that I have exhausted all the administrative remedies that USAF has to offer.

2. When you say that, "The address you provided for Air Force/JACL is a valid address" do you mean that it is the address at which USAF accepts legal service?

Simply saying it is a valid address does not answer my question. I asked you if it is the address at which USAF accepts legal service.

This is your last chance. Are you going to answer my question or not?

3. I would like contact information for your immediate superior.

Jed Margolin

=====
 ----- Original Message -----

From: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> >
 To: "Jed Margolin" <jm@jmargolin.com <<mailto:jm@jmargolin.com>> >
 Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> >; "374 CS/SCOK Knowledge Ops"

<374cs.knowledgeops@yokota.af.mil <<mailto:374cs.knowledgeops@yokota.af.mil>> >; "Kennerly, Chris TSgt MIL USAF HAF/IMIO"

<chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>> >

Sent: Thursday, August 26, 2010 3:28 PM

Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist
 category denied

Mr. Margolin,

I provided you the procedures, 60 day time limit, and address for you to appeal the fee category determination & fee waiver denial as an administrative remedy.

As you have indicated below your intent to file an appeal I will process your appeal upon receipt.

Your request will be closed if you do not agree to the fee category you have been placed in & to pay assessable fees for that category.

This is a separate action from your appeal & is the result of not receiving a fee agreement. Without a fee agreement and fee category determination agreement I cannot process your FOIA request. This does not prevent you from resubmitting your request at a later date if you choose to accept the fee category and assessable fees or if upon appeal you are granted a fee waiver and/or the news media category.

The address you provided for Air Force/JACL is a valid address.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]
 Sent: Thursday, August 26, 2010 11:19 AM
 To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Mr. Hansel.

You have rejected my offer of what I consider a very reasonable compromise regarding fees. Because you rejected my offer, that offer is hereby terminated.

All you are doing is playing word games. My request for a fee waiver was very explicit. A reasonable person would not be confused by it the way you pretend to be.

Also, on one hand you state that I have 60 days to appeal your ruling to the Secretary of the Air Force, while on the other hand you state:

" Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed. "

Which is it?

I will certainly appeal your decision to SAF.

If this is the response you have asked for, then you have it.

BTW, you have failed to confirm that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

Your behavior has pretty much guaranteed that I will end up filing suit against USAF.

Since you have refused to confirm that this is the correct address, then that is the address I will use. Then I will ask the Court to sanction USAF for its behavior in a matter that is considered common courtesy.

I will also ask the Court to sanction you personally for your behavior.

The purpose of the Freedom of Information Act is to allow the American People to see how their Government works. Your behavior in this matter will significantly contribute to public understanding of the operations and activities of the Department of Defense.

I believe they will be as disappointed in you as I am.

Jed Margolin

=====
 ----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>>
roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>> > >
 To: "Jed Margolin" <jm@jmargolin.com> <<mailto:jm@jmargolin.com>> <<mailto:jm@jmargolin.com>>
jm@jmargolin.com> > >
 Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>>
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> > >; "374 CS/SCOK Knowledge
 Ops"
374cs.knowledgeops@yokota.af.mil <<mailto:374cs.knowledgeops@yokota.af.mil>>
374cs.knowledgeops@yokota.af.mil <<mailto:374cs.knowledgeops@yokota.af.mil>> > >;
 "Kennerly, Chris TSgt MIL
 USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>>
chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>> > >
 Sent: Thursday, August 26, 2010 10:10 AM
 Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Mr. Margolin,

By journalist exemption I interpreted your request to mean you requested to be placed in the Educational or Noncommercial Scientific Institution or News Media category as opposed to the commercial category or all others category for fees. This is not an exemption, it is a category which determines assessable fees.

There is no journalist fee waiver exemption. Category determination is one action which determines assessable fees and A request to waive fees assessable to the category you are placed in is a separate action.

The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

The term "news" means information that is about current events or that would be of current interest to the public.

Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public.

These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category.

In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a requester in making this determination.

I have placed you in the other requesters category & provided the appeal procedures.

Regarding fees. The criteria for a fee waiver, which is a separate action, is

Waiver or reduction of the fees is appropriate when it is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester.

Now that you have specifically identified your request as being for a waiver of fees & not just a fee category determination I can address that request as well. Your request does not meet the criteria for a fee waiver. The appeal procedures for a fee waiver are the same as provided for the category determination.

If you choose to appeal either or both the fee waiver denial or the category determination, appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this e-mail.

Include in your appeal letter the reasons for reconsidering your request for a fee waiver or changing your category determination, and attach a copy of this letter.

Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

Regarding your offer of terms:

The fees assessable are based on the category you are placed in. You have been placed in the other requesters category & your fee waiver, now that you have identified that as your intent, has been disapproved. If you wish to appeal please follow the procedures provided.

Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to

requesters in that category. If we have not received a response by 3 September 2010 your request will be closed.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> <<mailto:pacaf.foia@hickam.af.mil>>
 <<mailto:pacaf.foia@hickam.af.mil>> >

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]
 Sent: Wednesday, August 25, 2010 3:15 PM
 To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Dear Mr. Hansel,

This is getting really old.

Just because you don't like the article/blog I am writing about USAF doesn't mean you can deny my request for a fee waiver for the Journalist Exemption.

USAF came to my Web site yesterday (August 24, 2010) and read my article How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors.

This is from my server log:

```
dhcp-28-74.hq.af.mil 134.205.28.74 - - [24/Aug/2010:04:19:14
-0700] "GET /usaf/usaf_web.htm HTTP/1.1" 200 132162 "-" "Mozilla/4.0
(compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; .NET
CLR 3.0.30618; .NET CLR 3.5.30729; InfoPath.2; MS-RTC LM 8)"
```

If that wasn't you, then it simply means you are acting on orders from USAF HQ.

I would like you to reconsider your course of action.

1. USAF is the only Federal Agency to ever deny my request for a fee waiver.
2. I received a full fee waiver on USAF FOIA Case No. 2010-04191-F. See attached file: f1_15_patrick.pdf .
3. My fee waiver request on USAF FOIA Case 2010-5988 & 5989 was initially denied. Then I was

informed I would receive the first 100 pages free and would be required to pay \$0.15 per page thereafter but there would be no other fees. See attached file: f2_06_langley.pdf

4. I asked for reconsideration based on the following:

- a. I had already been granted a full fee waiver in Case 2010-04191-F.
- b. USAF has been visiting my Web sit for years and obtaining useful information.

See attached files: f2_07_langley.pdf and f2_07a_langley_jm_af1.txt .

I was eventually given a full fee waiver on FOIA Case Number 2010-0030, FOIAexpress Case #2010-06428-F. See attached file f3_07_holloman.pdf .

I will offer you the same terms that I have offered in the past:

1. Full waiver of search fees.
2. First 100 pages free.
3. Copy costs of \$0.15 per page thereafter.
4. I authorize up to \$45 in copy costs as long as:
 - a. There are no duplicates.
 - b. There are no copies of documents I have sent to USAF.

This is the best offer I will make to USAF. You should accept it.

Otherwise, since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF has to offer and that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

By the way, I have hard evidence that the C-130 uses synthetic vision. If you want to know how really useful synthetic vision is, ask one of your C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>>
<<mailto:chris.kennerly@pentagon.af.mil>> <<mailto:chris.kennerly@pentagon.af.mil>>

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>>
roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>> > >
To: <jm@jmargolin.com <<mailto:jm@jmargolin.com>> <<mailto:jm@jmargolin.com>>
jm@jmargolin.com> > >
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> > >; "Yokota 374th org box"
374cs.scokknowledgeops@yokota.af.mil <<mailto:374cs.scokknowledgeops@yokota.af.mil>>
374cs.scokknowledgeops@yokota.af.mil <<mailto:374cs.scokknowledgeops@yokota.af.mil>> >
>
Sent: Wednesday, August 25, 2010 2:42 PM
Subject: 2010-06811-F Margolin Yokota receipt acknowledged journalist
category denied

Mr. Margolin,

This e-mail is in response to your FOIA request for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by the USAF.

In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

If you interpret this category determination as an adverse action you may appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this letter. Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795

pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> <<mailto:pacaf.foia@hickam.af.mil>
<<mailto:pacaf.foia@hickam.af.mil>> >

Email Separator

Jed Margolin

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil>
To: "Jed Margolin" <jm@jmargolin.com>; "PACAF FOIA" <pacaf.foia@hickam.af.mil>
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil>; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil>; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil>; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil>
Sent: Tuesday, August 31, 2010 4:06 PM
Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied
 Mr. Margolin,

The address where the Air Force accepts legal service is:

Air Force/JACL
 1501 Wilson Blvd.
 Arlington, VA 22209-2403

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil

-----Original Message-----

From: Jed Margolin [mailto:jm@jmargolin.com]
 Sent: Tuesday, August 31, 2010 11:28 AM
 To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA); PACAF FOIA
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO; Sherman, Wendy L LtCol USAF PACAF JA/JA
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Dear Mr. Hansel.

You wrote:

>I've already responded confirming the address you provided is the correct address.

The correct address for what?

You have said you don't know what "Legal Service" is, and that "Air Force/JACL is an Air Force Level legal office."

Air Force/JACL is an Air Force level legal office. They should be able to assist you & answer any questions you have regarding an address where the Air Force "accepts legal service." I am unfamiliar with the term & contacted our local legal office who is not sure what you mean by the term "accepts legal service." You indicated below

Air Force/JACL
 1501 Wilson Blvd.
 Arlington, VA 22209-2403

is the address you intend to use and they should be able to assist you.

Previously, you said that, "The address you provided for Air Force/JACL is a valid address."

1. If your "local legal office" doesn't know what "Legal Service" is they should all be fired.
2. All you have done is attempt to preserve plausible deniability for USAF and for yourself and you have done so in a particularly infuriating manner.
3. And as is typical of your style you have refused to answer a direct question.

Please give me the address for sending you a copy of the Summons and Complaint under the Federal Rules of Civil Procedure Rule 4(i)(3).

Jed Margolin

=====

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> >

To: "Jed Margolin" <jm@jmargolin.com> <<mailto:jm@jmargolin.com>> >; "PACAF FOIA" <pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil> <<mailto:374cs.knowledgeops@yokota.af.mil>> >; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> >; "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil> <<mailto:Wendy.Sherman@hickam.af.mil>> >

Sent: Tuesday, August 31, 2010 12:01 PM

Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

I've already responded confirming the address you provided is the correct address.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]

Sent: Tuesday, August 31, 2010 9:00 AM

To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA); PACAF FOIA

Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO; Sherman, Wendy L LtCol USAF PACAF JA/JA

Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Dear Mr. Hansel.

Your protestation that you do not know -and have not been able to find out- the meaning of the term "Legal Service" is hardly credible in view of the legal hair-splitting you are engaging in which has left the Freedom of Information Act in desperate need of Rogaine.

From The Federal Rules of Civil Procedure Rule 4(b):

(b) ISSUANCE. On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. A summons - or a copy of a summons that is addressed to multiple defendants - must be issued for each defendant to be served.

From The Federal Rules of Civil Procedure Rule 4(i):

(i) SERVING THE UNITED STATES AND ITS AGENCIES, CORPORATIONS, OFFICERS, OR EMPLOYEES.

(1) United States. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought - or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk - or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) Officer or Employee Sued Individually. To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

When I file suit against USAF for failing to comply with the Freedom of Information Act (§552 et seq.) I am required to:

1. Either mail or personally deliver a copy of the Summons and Complaint to the U.S. Attorney for the District in which I bring the action;
2. Mail (by Certified or Registered U.S. Mail) a copy of the Summons and Complaint to the Attorney General of the United States;
3. Mail (by Certified or Registered U.S. Mail) a copy of the Summons and Complaint to the U.S. Agency -in this case USAF- that I am suing.

The term "address at which USAF accepts Legal Service" is the address that I am required to send the Summons and Complaint to under Rule(4)(i).

Normally, the address at which an Agency accepts Legal Service is provided when a FOIA Requestor's Appeal is denied. However, in a related USAF FOIA case my Appeal has been ignored. I expect the same thing to happen here. As a result, I do not have an official statement providing the address at which USAF accepts Legal Service. Your unwillingness to provide it is probative.

Mr. Hansel, with your willful actions to frustrate the intent of the Freedom of Information Act and your pretended ignorance of the meaning of the term "Legal Service" I believe you have given me cause to include you personally as a Defendant in this case.

Please give me the address for sending you a copy of the Summons and Complaint under the Federal Rules of Civil Procedure Rule 4(i)(3).

Jed Margolin

=====
----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)" <roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> <<mailto:roger.hansel@hickam.af.mil>> > >
 To: "Jed Margolin" <jm@jmargin.com> <<mailto:jm@jmargin.com>> <<mailto:jm@jmargin.com>> > >; "PACAF FOIA" <pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> > >
 Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> > >; "374 CS/SCOK Knowledge Ops" <374cs.knowledgeops@yokota.af.mil> <<mailto:374cs.knowledgeops@yokota.af.mil>> <<mailto:374cs.knowledgeops@yokota.af.mil>> > >; "Kennerly, Chris TSgt MIL USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> > >
 "Sherman, Wendy L LtCol USAF PACAF JA/JA" <Wendy.Sherman@hickam.af.mil> <<mailto:Wendy.Sherman@hickam.af.mil>> <<mailto:Wendy.Sherman@hickam.af.mil>> > >
 Sent: Monday, August 30, 2010 4:20 PM
 Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

When I say I am going to process your appeal it means I will send it through the appeal process. I will not make the final decision on your appeal.

Air Force/JACL is an Air Force level legal office. They should be able to assist you & answer any questions you have regarding an address where the Air Force "accepts legal service." I am unfamiliar with the term & contacted our local legal office who is not sure what you mean by the term "accepts legal service." You indicated below

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

is the address you intend to use and they should be able to assist you.

I've explained a category determination and a fee waiver request are two different things and the difference between a category determination and a fee waiver.

I've explained the criteria for the news media category and the fee waiver criteria.

I've explained the appeal procedures.

If you agree to the category determination & to paying fees assessable to the other fee category I can process your request. If you decide to appeal I can process your appeal.

If you are dissatisfied with the response you have received from this office, you may contact the Air Force FOIA Public Liaison Office

1800 Air Force Pentagon
Washington, DC 20330-1800
Phone: (703) 696-6487
Fax: (703) 696-4421

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>
<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]

Sent: Thursday, August 26, 2010 5:11 PM
 To: PACAF FOIA
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF
 HAF/IMIO
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Mr. Hansel.

1. When you say you are going to process my appeal, does that mean you are going to decide my appeal?

If that is the case, I would like you to stop wasting my time and confirm that I have exhausted all the administrative remedies that USAF has to offer.

2. When you say that, "The address you provided for Air Force/JACL is a valid address" do you mean that it is the address at which USAF accepts legal service?

Simply saying it is a valid address does not answer my question. I asked you if it is the address at which USAF accepts legal service.

This is your last chance. Are you going to answer my question or not?

3. I would like contact information for your immediate superior.

Jed Margolin

=====

----- Original Message -----

From: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> >

<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> > >

To: "Jed Margolin" <jm@jmargolin.com <<mailto:jm@jmargolin.com>> >

<<mailto:jm@jmargolin.com> <<mailto:jm@jmargolin.com>> > >

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>> >

<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> > >; "374 CS/SCOK Knowledge Ops"

<374cs.knowledgeops@yokota.af.mil <<mailto:374cs.knowledgeops@yokota.af.mil>>

<<mailto:374cs.knowledgeops@yokota.af.mil> <<mailto:374cs.knowledgeops@yokota.af.mil>> > >;

"Kennerly, Chris TSgt MIL USAF

HAF/IMIO"

<chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>>

<<mailto:chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> > >

Sent: Thursday, August 26, 2010 3:28 PM

Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist
 category denied

Mr. Margolin,

I provided you the procedures, 60 day time limit, and address for you to appeal the fee category determination & fee waiver denial as an administrative remedy.

As you have indicated below your intent to file an appeal I will process your appeal upon receipt.

Your request will be closed if you do not agree to the fee category you have been placed in & to pay assessable fees for that category.

This is a separate action from your appeal & is the result of not receiving a fee agreement. Without a fee agreement and fee category determination agreement I cannot process your FOIA request. This does not prevent you from resubmitting your request at a later date if you choose to accept the fee category and assessable fees or if upon appeal you are granted a fee waiver and/or the news media category.

The address you provided for Air Force/JACL is a valid address.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795
pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>
 <<mailto:pacaf.foia@hickam.af.mil>> <<mailto:pacaf.foia@hickam.af.mil>> >

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]
 Sent: Thursday, August 26, 2010 11:19 AM
 To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Mr. Hansel.

You have rejected my offer of what I consider a very reasonable compromise regarding fees. Because you rejected my offer, that offer is hereby terminated.

All you are doing is playing word games. My request for a fee waiver was very explicit. A reasonable person would not be confused by it the way you pretend to be.

Also, on one hand you state that I have 60 days to appeal your ruling to the Secretary of the Air Force, while on the other hand you state:

" Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed. "

Which is it?

I will certainly appeal your decision to SAF.

If this is the response you have asked for, then you have it.

BTW, you have failed to confirm that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

Your behavior has pretty much guaranteed that I will end up filing suit against USAF.

Since you have refused to confirm that this is the correct address, then that is the address I will use. Then I will ask the Court to sanction USAF for its behavior in a matter that is considered common courtesy.

I will also ask the Court to sanction you personally for your behavior.

The purpose of the Freedom of Information Act is to allow the American People to see how their Government works. Your behavior in this matter will significantly contribute to public understanding of the operations and activities of the Department of Defense.

I believe they will be as disappointed in you as I am.

Jed Margolin

=====

----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"
<roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>> >
<<mailto:roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> >
<<mailto:roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> >
<<mailto:roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> > >
To: "Jed Margolin" <jm@jmargolin.com <<mailto:jm@jmargolin.com>> >
<<mailto:jm@jmargolin.com> <<mailto:jm@jmargolin.com>> > <<mailto:jm@jmargolin.com>
<<mailto:jm@jmargolin.com>> <<mailto:jm@jmargolin.com> <<mailto:jm@jmargolin.com>> > >
Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >
<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>>
<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> > >; "374 CS/SCOK
 Knowledge Ops"
374cs.knowledgeops@yokota.af.mil <<mailto:374cs.knowledgeops@yokota.af.mil>>
<mailto:374cs.knowledgeops@yokota.af.mil> <<mailto:374cs.knowledgeops@yokota.af.mil>> >
<mailto:374cs.knowledgeops@yokota.af.mil> <<mailto:374cs.knowledgeops@yokota.af.mil>>
<mailto:374cs.knowledgeops@yokota.af.mil> <<mailto:374cs.knowledgeops@yokota.af.mil>> > >
 >; "Kennerly, Chris TSgt MIL
 USAF HAF/IMIO" <chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>>
<mailto:chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> >
<mailto:chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>>
<mailto:chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> > > >
 Sent: Thursday, August 26, 2010 10:10 AM
 Subject: RE: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Mr. Margolin,

By journalist exemption I interpreted your request to mean you requested to be placed in the Educational or Noncommercial Scientific Institution or News Media category as opposed to the commercial category or all others category for fees. This is not an exemption, it is a category which determines assessable fees.

There is no journalist fee waiver exemption. Category determination is one action which determines assessable fees and A request to waive fees assessable to the category you are placed in is a separate action.

The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

The term "news" means information that is about current events or that would be of current interest to the public.

Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public.

These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category.

In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even through not

actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a requester in making this determination.

I have placed you in the other requesters category & provided the appeal procedures.

Regarding fees. The criteria for a fee waiver, which is a separate action, is

Waiver or reduction of the fees is appropriate when it is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester.

Now that you have specifically identified your request as being for a waiver of fees & not just a fee category determination I can address that request as well. Your request does not meet the criteria for a fee waiver. The appeal procedures for a fee waiver are the same as provided for the category determination.

If you choose to appeal either or both the fee waiver denial or the category determination, appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this e-mail.

Include in your appeal letter the reasons for reconsidering your request for a fee waiver or changing your category determination, and attach a copy of this letter.

Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302
Hickam AFB HI 96853

Regarding your offer of terms:

The fees assessable are based on the category you are placed in. You have been placed in the other requesters category & your fee waiver, now that you have identified that as your intent, has been disapproved. If you wish to appeal please follow the procedures provided.

Your request remains on hold pending your agreement to being placed in the other requesters category and agreeing to pay fees assessable to requesters in that category. If we have not received a response by 3 September 2010 your request will be closed.

ROGER V. HANSEL
 HQ PACAF FOIA/PA MANAGER
 DSN 315 449-4795
 COMM 808 449-4795

pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>
 <<mailto:pacaf.foia@hickam.af.mil>> <<mailto:pacaf.foia@hickam.af.mil>> >
 <<mailto:pacaf.foia@hickam.af.mil>> <<mailto:pacaf.foia@hickam.af.mil>>
 <<mailto:pacaf.foia@hickam.af.mil>> <<mailto:pacaf.foia@hickam.af.mil>> > >

-----Original Message-----

From: Jed Margolin [<mailto:jm@jmargolin.com>]
 Sent: Wednesday, August 25, 2010 3:15 PM
 To: Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)
 Cc: PACAF FOIA; 374 CS/SCOK Knowledge Ops; Kennerly, Chris TSgt MIL USAF HAF/IMIO
 Subject: Re: 2010-06811-F Margolin Yokota receipt acknowledged
 journalist category denied

Dear Mr. Hansel,

This is getting really old.

Just because you don't like the article/blog I am writing about USAF doesn't mean you can deny my request for a fee waiver for the Journalist Exemption.

USAF came to my Web site yesterday (August 24, 2010) and read my article How the United States Air Force Plays the Shell Game with the Freedom of Information Act and How They Treat Independent Inventors.

This is from my server log:

```
dhcp-28-74.hq.af.mil 134.205.28.74 - - [24/Aug/2010:04:19:14
-0700] "GET /usaf/usaf_web.htm HTTP/1.1" 200 132162 "-" "Mozilla/4.0
(compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; .NET
CLR 3.0.30618; .NET CLR 3.5.30729; InfoPath.2; MS-RTC LM 8)"
```

If that wasn't you, then it simply means you are acting on orders from USAF HQ.

I would like you to reconsider your course of action.

1. USAF is the only Federal Agency to ever deny my request for a fee waiver.
2. I received a full fee waiver on USAF FOIA Case No. 2010-04191-F. See attached file: f1_15_patrick.pdf .
3. My fee waiver request on USAF FOIA Case 2010-5988 & 5989 was initially denied. Then I was informed I would receive the first 100 pages free and would be required to pay \$0.15 per page thereafter but there would be no other fees. See attached file: f2_06_langley.pdf

4. I asked for reconsideration based on the following:

- a. I had already been granted a full fee waiver in Case 2010-04191-F.
- b. USAF has been visiting my Web sit for years and obtaining useful information.

See attached files: f2_07_langley.pdf and f2_07a_langley_jm_af1.txt .

I was eventually given a full fee waiver on FOIA Case Number 2010-0030, FOIAexpress Case #2010-06428-F. See attached file f3_07_holloman.pdf .

I will offer you the same terms that I have offered in the past:

- 1. Full waiver of search fees.
- 2. First 100 pages free.
- 3. Copy costs of \$0.15 per page thereafter.
- 4. I authorize up to \$45 in copy costs as long as:
 - a. There are no duplicates.
 - b. There are no copies of documents I have sent to USAF.

This is the best offer I will make to USAF. You should accept it.

Otherwise, since you are obviously stonewalling my FOIA Request, please confirm that I have exhausted all the administrative remedies that USAF has to offer and that the address at which USAF accepts legal service is:

Air Force/JACL
1501 Wilson Blvd.
Arlington, VA 22209-2403

By the way, I have hard evidence that the C-130 uses synthetic vision. If you want to know how really useful synthetic vision is, ask one of your C-130 pilots.

Sincerely yours,

Jed Margolin

Cc: chris.kennerly@pentagon.af.mil <<mailto:chris.kennerly@pentagon.af.mil>>
<<mailto:chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> >
<<mailto:chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> >
<<mailto:chris.kennerly@pentagon.af.mil> <<mailto:chris.kennerly@pentagon.af.mil>> > >

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----- Original Message -----

From: "Hansel, Roger V Civ USAF PACAF A6/A6OB (FOIA)"

<roger.hansel@hickam.af.mil <<mailto:roger.hansel@hickam.af.mil>>

<<mailto:roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> >

<<mailto:roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>>

<<mailto:roger.hansel@hickam.af.mil> <<mailto:roger.hansel@hickam.af.mil>> > >

To: <jm@jmargolin.com <<mailto:jm@jmargolin.com>> <<mailto:jm@jmargolin.com>

<<mailto:jm@jmargolin.com>> > <<mailto:jm@jmargolin.com> <<mailto:jm@jmargolin.com>>

<<mailto:jm@jmargolin.com> <<mailto:jm@jmargolin.com>> > >

Cc: "PACAF FOIA" <pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>

<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >

<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>>

<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> > >; "Yokota 374th org box"

<374cs.scokknowledgeops@yokota.af.mil <<mailto:374cs.scokknowledgeops@yokota.af.mil>>

<<mailto:374cs.scokknowledgeops@yokota.af.mil>

<<mailto:374cs.scokknowledgeops@yokota.af.mil>> >

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<<mailto:374cs.scokknowledgeops@yokota.af.mil>

<<mailto:374cs.scokknowledgeops@yokota.af.mil>> > >

Sent: Wednesday, August 25, 2010 2:42 PM

Subject: 2010-06811-F Margolin Yokota receipt acknowledged journalist category denied

Mr. Margolin,

This e-mail is in response to your FOIA request for documents relating to the use of Synthetic Vision in operating the C-130 (all variants) operated by the USAF.

In your request (attached) you included Yokota AB, Japan as one of the locations. This response pertains only to that location.

Your request has been assigned number 2010-06811-F and will be assigned to the FOIA manager at Yokota AB Japan. Please refer to this number in all correspondence.

Your request to be considered a journalist (news media category) is denied.

I have placed you in the other category which will make you responsible for all fees assessable to a requester in that category. Your request will be on hold pending your agreement to being placed in the other category and to being responsible for all fees associated with that category.

If you interpret this category determination as an adverse action you may appeal it in writing to the Secretary of the Air Force. Your appeal should be postmarked no later than 60 calendar days from the date of this letter. Address your letter as follows:

Secretary of the Air Force
Thru HQ PACAF/A6X (FOIA)
25 E Street, Suite C-302

Hickam AFB HI 96853

If I have not received a response from you agreeing to being placed in the other category and to being responsible for all fees associated with that category by 2 September 2010 your request will be closed.

ROGER V. HANSEL
HQ PACAF FOIA/PA MANAGER
DSN 315 449-4795
COMM 808 449-4795

pacaf.foia@hickam.af.mil <<mailto:pacaf.foia@hickam.af.mil>>
<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>> >
<<mailto:pacaf.foia@hickam.af.mil> <<mailto:pacaf.foia@hickam.af.mil>>
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