



April 7, 2007

Michael B. Donley
Department of Defense OSD/DA&M
1950 Defense Pentagon
Washington DC 20301

Re: Misconduct, misuse of "Special Access" to Obstruct Request for materials under FOIA

Dear Mr. Donley,

I am writing to urge immediate action in response to willful obstruction and misuse of SAP protections to deny records requested under FOIA statute. FOIA Officer Aaron Graves has conducted himself in a manner that is obstructionist and is clearly a willful effort to avoid communications and deny release of records in violation of FOIA statute. I have enclosed the following copies of correspondence:

1. Copy of request for records made under FOIA (enclosed-1)
2. Copy of Appeal based on non-compliance
3. Contents of envelope mailed in response from Defense FOI Office which include:
 - a) A response from Will Kammer's office stating that my request for records has been closed because the enclosed letter sent from the Appeals branch was "returned undeliverable". The letter goes on to state that I can resubmit the request by contacting the office in writing and providing a "current" mailing address.
 - b) Copy of the letter from the Appeals branch that was "returned undeliverable" which came from James P. Hogan stating that a database search "indicated no record of receiving a FOIA from you dated December 28 2006".
 - c) Copy of the envelope that was "undeliverable" by the United States Post Office

First and foremost, the letter(enclosed-2) that was returned as "undeliverable" (enclosed -3) by the US Postal Service was done so because the FOIA Defense Office labeled this letter in a manner that made it undeliverable. This "mistake", intentional or otherwise, did not render this office exempt from complying with FOIA statute and did not warrant closure of the request. This clearly was an intentional effort as no reasonable effort was made to contact me via the mobile phone number I provided and which appeared on all my written correspondence. Further, none of my correspondence references an appeal "*dated*" December 28, only that appeal was "*mailed*" December 28. Then to suggest I "resubmit" the request and provide a "current" mailing address is absurd considering that this notice was mailed to the same address and I received it. My mailing address had never changed. This and other information suggests the possibility that this FOIA request was closed intentionally so that no FOI request would be on record when Defense components initiated a Special Access Program on March 1st involving myself as a subject of SAP efforts. The dates show that the personnel mislabeled the reply letter in February and the closure of my FOIA request occurred March 7 which supports this assumption. DoD directive prohibits using SAP protections to deny records requested under Freedom of Information. Even more volatile would be assessing that a SAP was initiated *because* I requested records under FOIA. In either circumstance, closing my request for records is neither appropriate or lawful. This closure and preceding obstructionism

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has caused unnecessary lapses in time and may have caused records being requested to be removed due to shortened record retention policy regarding SAP's. I am urging immediate compliance with this FOIA request which includes any records (including SAP records etc) about, referencing, or which involve myself.

In closing, Aaron Graves has been obstructionist, uncooperative, and hostile during my numerous efforts to expedite this request for records. He would continually reference requests that were sent via email, despite my repeated requests to rely only on written communications sent via US Mail because I was unable to rely on email communications and did not use them because SAP contract personnel were repeatedly accessing my data and tampering and/or obstructing email communications. This office also continually pretended "not to understand" my requests, and responses to my requests would indicate that I requested information that did not accurately reflect the contents of my written requests. This is clearly obstructionism that involves misuse of SAP provisions and absolutely warrants investigation as well as expedited processing of requested records.

Sincerely,

David A. Larson
P.O. Box 773
Ridgecrest CA 93556-0773
760 793-8653

Continued...

December 21 2006

Defense Office of Freedom of Information
1155 Defense Pentagon
Washington DC 20301-1155
(703) 696-4689

Re: FOI Case # 06-F-2510

Please accept this as written amendment and revision to the above referenced FOI request and is in response to Will Kammer's interim response dated November 13 2006. Because there seems to be discrepancies regarding materials I have requested, and what is indicated in the interim response, this amendment should be considered to pre-empt the previously defined scope of materials requested. To reiterate, the materials requested under FOIA provisions is as follows pursuant to 5 U.S.C., 552:

1. Any and all materials, correspondence, communications, fax transmittals, email, email back-up records, notes or other materials that pertain to the following individuals, or exchanged between DARPA personnel and the following individuals:

1. William Heetderks
2. Alfred E. Mann
3. Gerald E. Loeb
4. Joseph Schulman
5. Philip Troyk
6. Robert Greenberg
7. William Tang, or Brother Tony Tang
8. Kent Kresa

2. Any and all information, correspondence, reports, fax transmissions, hand-written notes, email, email back-up, or meeting minutes that mention or pertain to the funded research, contract, Special Access Program, or sub-contract which involve individuals named in items 1 through above; additionally include Col. Geoff Ling.

3. All documentation, correspondence, reports, contracts, fax transmissions, email, email back-up records, Special Access Program information or materials, hand-written notes or meeting minutes that reference, mention or pertain in any way, myself David A. Larson. (AKA'S DAVE LARSON D. LARSON MR. LARSON ETC.)

4. Any material, email, email back-up data, notes, fax transmissions, reports, meeting minutes, correspondence, or records that pertain to or reference email or telephonic communications between myself and DARPA personnel Chris Compel or William Tang.

In regards to fee assessment and costs, I am requesting a waiver of fees pursuant to §5.45 regulations and the request qualifies for standard waiver of fees because it is both pertinent to public understanding of governmental activities and additionally, the request is not of commercial interest to the requestor.

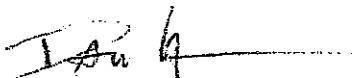
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Specifically, the request seeks information that is of significant public interest and affects public policy as well as the public understanding of government operations. In this instance, the requested material pertains to Defense policy regarding Special Access Programs, and specifically, how protections afforded to SAP personnel can be abused and can affect the public's ability to gain cooperation of law enforcement, medical treatment, and equal protection of the law, and additionally, that said SAP protections can be had by only notifying 8 members of Congress. The powers and protections afforded under SAP classification are broad and far reaching and can affect the behavior of local agencies as well as federal agencies such as the FBI, and can obstruct justice to unknowing, uninformed individuals who are affected. In cases of extreme abuse, SAP protections can be used to affect FDA medical device approvals, FCC rulemaking and spectrum allocation, and severe civil rights violations.

The second test in meeting exemption, and regarding commercial interest, I have no commercial or competing interest in relation to the requested material, technology or individuals. This request is being made in good faith and is made necessary in order to correct misinformation and misconduct that significantly affects, and has impacted public perception and policy.

I thank you in advance for expediting this request, as the material requested is not available through public channels.

Sincerely,



David A. Larson
P.O. Box 773
Ridgecrest CA 93556
760 793-8653

copy

DAVID A. LARSON

P.O. Box 773 Ridgecrest Ca 93556-0773
Phone: 760 793-8653 | 760 371-7700

January 20 2007

Office of Freedom of Information
1155 Defense Pentagon
Washington DC 20301-1155

Re: FOIA Appeal

Please accept this letter as written notification of appeal based on non-compliance. I have enclosed a copy of my request for records made under FOIA provisions that was sent Certified Mail on December 28 2006. The non-compliance of the enclosed FOIA request is disappointing, and in my opinion criminal and willful and a conscious effort to deny me records. I have made the request in good faith and require that diligent efforts be made to comply with the request. Please provide the requested materials, documents and information as requested under FOI statute and provisions.

Sincerely



David A. Larson
P.O. Box 773
Ridgecrest CA 93556
760 793-8653



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

MAR 07 2007
Ref: 06-F-2510

Mr. David A. Larson
P.O. Box 773
Ridgecrest, CA 93556

Dear Mr. Larson:

This is to advise you that we are closing your August 5, 2006, Freedom of Information Act (FOIA) request, our case number 06-F-2510. The enclosed letter was sent to you by our Appeals branch and returned by the United States Postal System as undeliverable. If you receive this letter and still desire that your request be processed, please contact this office in writing and provide a current mailing address.

(shown next
page)

the letter was ☐
undeliverable because ☐
of the label used by ☐
DoD FOIA office. *See ☐
the envelope that they ☐
tried to mail it in, page ☐
8 (last page)

Sincerely,


Will Kammer
Chief

my address never changed. ☐
This letter that I recieved, ☐
used the same address. The ☐
FOIA office purposely ☐
concealed the address, but ☐
left the zipcode in order to ☐
obtain the postmark. No ☐
efforts were made to call the ☐
mobile phone that appeared ☐
on my correspondence

Enclosures:
As stated



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

08 FEB 2007

Ref: 07-A-0920(A1)

Mr. David A. Larson
P.O. Box 773
Ridgecrest, CA 93556

Dear Mr. Larson:

This is in response to your January 20, 2007, letter in which you are appealing a lack of response to your December 28, 2006, Freedom of Information Act (FOIA) request.

A search of our database indicates no record of receiving a FOIA from you dated December 28, 2006. Furthermore, you stated in your January 20, 2007, letter that a copy the FOIA request was enclosed; however, this request was not in the envelope when we received it.

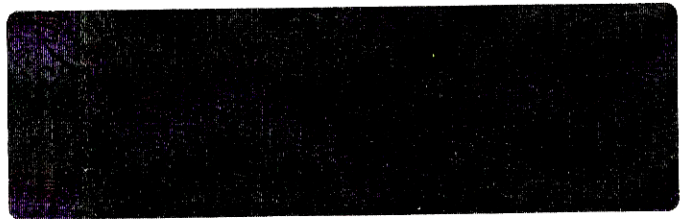
Therefore, please resubmit your request to this Office, and it will be processed on a first-in first-out basis, based on the original date of the request.

Sincerely,

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation

None of my correspondence ☐
says I dated a letter Dec 28th... ☐
there is one mention that a ☐
FOIA was "mailed on Dec. 28", ☐
not dated Dec. 28th. They ☐
received the FOIA request and ☐
proof of delivery indicates it ☐
was signed for by J. McRay on ☐
Jan 03 2007

Department of Defense
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155



FIRST CLASS

This is the label that made the ☐ item "undeliverable". DARPA ☐ wanted to initiate a SAP and ☐ desired to get the FOIA off record ☐ before doing so. They used this ☐ "undeliverable" item as the ☐ reason for closing my FOIA ☐ request