

To: "foiarsc, foiarsc" <foiarsc@nsa.gov>
From: John Young <jya@pipeline.com>
Subject: RE: FOIA Request 81305 - CLARIFY
Cc:
Bcc:
Attached:

Cindy B
NSA/CSS FOIA Requester Service Center

Dear Cindy B,

Thank you again for a prompt reply and helpful advice.

For further clarification I will limit my request to these names of journalists who reportedly first communicated with Edward Snowden and published stories about documents provided to them by Mr. Snowden which were allegedly taken by him from the NSA and who, according to Mr. Snowden, "agreed, prior to publication, to run these stories by the government."

Glenn Greenwald, The Guardian, The Intercept and author of book "No Place to Hide."
Laura Poitras, The Washington Post, The Guardian, The Intercept, Der Spiegel and documentary maker of "Citizen Four."
Ewen MacAskill, The Guardian.
Barton Gellman, The Washington Post.

Regards,

John Young
Cryptome.org
251 West 89th Street
New York, NY 10024
212-873-8700

At 07:08 AM 5/21/2015, you wrote:

Mr. Young,

Thank you for your prompt reply. I will check with our Public Affairs office (PAO) on the clarified scope of your request, to determine if it still represents an overly burdensome search.

I also wanted to provide you with some additional details, by way of explanation for overly broad and burdensome. While the information you seek is clear, the search still represents

a "keyword" search using variations of the information you provided such as a reporter's name or a media outlet. Most if not all contacts to our PAO were likely made via email, and Agency email is decentralized. This requires an individual search by each person using each of the keywords. While this does not present a problem for the more specific and uncommon items/names, it could be overly broad for more common terms. For example, a search using "The Guardian" will likely return hundreds of hits simply because an individual mentions the new site somewhere in the email, which would necessitate an individual search of each email to determine if it qualifies for a "run-by" type of correspondence. In the year or so (estimated) after the media leaks, it's quite feasible that PAO received thousands and thousands of contacts from the public and media outlets. Multiply that number of contacts by the number of PAO representatives who respond or "field" emails, and then multiply this by two years could very likely constitute an impermissibly broad search under the FOIA.

I will consult with our PAO experts and get back to you soonest.

Best Regards,
Cindy B
NSA/CSS FOIA Requester Service Center
(301)688-6527

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

From: John Young [<mailto:jya@pipeline.com>]
Sent: Wednesday, May 20, 2015 5:46 PM
To: foiarsc, foiarsc
Subject: RE: FOIA Request 81305 - CLARIFY

Cindy B
NSA/CSS FOIA Requester Service Center

Dear Cindy B,

Thank you for a prompt response and advice for clarification.

If this attempt at clarification is still too burdensome and voluminous I will be pleased to try again. I would appreciate your advice on how to most quickly receive a response.

My request differs in scope and intention from the pending request you cite.

Mr. Snowden claimed in the quote I provided to require journalists to "run stories by the government" to avoid harm. Records only of this run-by is what I request, not the more extensive information in the pending request cited.

Specifically I request records of publishers, editors and journalists requesting comments

from the NSA and US government departments on prospective stories based on material provided by Edward Snowden. And comments, if any, made in response to the requests by the NSA and US government departments.

Time frame: Late May 2013 to May 19, 2015.

Principal publishers, editors, journalists and publications involved in Snowden releases and stories are:

Publishers

Arthur Ochs Sulzberger, Jr , The New York Times, and/or legal representatives Katharine Weymouth, The Washington Post, and/or legal representatives Alan Rusbridger, The Guardian, and/or legal representatives

Editors

Janine Gibson, The Guardian
Marty Baron, The Washington Post
Jill Abramson, The New York Times
Dean Baquet, The New York Times

Journalists

Glenn Greenwald, The Guardian, The Intercept and author of book "No Place to Hide."
Laura Poitras, The Washington Post, The Guardian, The Intercept, Der Spiegel and documentary maker of "Citizen Four,"
Barton Gellman, The Washington Post
James Risen, The New York Times
Journalists associated with and/or by-lined in the following publications

Publications

The Guardian
The Washington Post
Der Spiegel
O Globo Fantastico
The New York Times
ProPublica
Le Monde
Dagbladet
NRC Handelsblad
Huffington Post
Canadian Broadcasting Corporation (CBC)
SVT (Swedish TV)

L'Espresso
Information.DK
NBC News
The Intercept
Heise
SÄ¼ddeutsche Zeitung
New Zealand Herald
New Zealand Star Times

If needed for further clarification of dates and names, my website has tally of the Snowden material releases:

<http://cryptome.org/2013/11/snowden-tally.htm>

<<http://cryptome.org/2013/11/snowden-tally.htm>> Thank you very much.

John Young
Administrator
Cryptome.org
251 West 89th Street
New York, NY 10024
212-873-8700

At 02:00 PM 5/20/2015, you wrote:

Good Afternoon Mr. Young,

This email pertains to your FOIA request submitted on 19 May 2015, copied below. Your request has been assigned Case Number 81305, but is ON HOLD. As it is currently worded, the search for responsive material constitutes an overly broad and burdensome search such that it would impede the daily operations and missions of the NSA Organization(s). Department of Defense (DoD) Regulation 5400.7-R states that the requester must provide a description of the desired record(s) so that the Government is able to locate the record(s) with a reasonable amount of effort. Even where a request sufficiently describes the records sought (contacts/correspondence between NSA and journalists), an Agency is not required to comply with a request so broad that it would impose an unreasonable burden upon the Agency. As noted in the U.S. Courts, the FOIA is not intended to reduce government agencies to full-time investigators for each requester. You have not stated your request in such a manner that we could reasonably determine the appropriate files to search.

The topic of your request would involve an overly broad and burdensome search, particularly for responsive documents that are email documents. Specifically it would require several individuals to conduct a manual search to determine if the email was to or from a

member of the media. A manual search would equate to viewing each and every to/from cc' and subject line to see if it fits the broad topic of media/journalist communicant, and then reading each of those emails to determine if it pertains to a "the release of Snowden-provided material." Please note that we anticipate the scope of this search to be voluminous, which could translate to considerable assessable fees to you.

We ask that you narrow the subject of this request by specifying a particular media outlet, and identifying a journalist/reporter in the specified media outlet. Furthermore, we ask that you explain further what the topic or context of the correspondence pertained to, in greater detail than discussions of alleged media leaks. Finally, we ask that you identify a reasonable timeframe for which you believe the records exist.

Alternately, you may wish to accept the negotiated scope of your request to ~~Ã¢â€šâ€š~~ an existing FOIA request that is quite similar to your request. In the other FOIA request, we are processing for records from June 2013-Aug. 2014 that pertain to:

* Media inquiries by the Washington Post, The Intercept, The Wall Street Journal, The New York Times, The Guardian and the Associated Press. The reporters would be Barton Gellman, Glenn Greenwald, Charlie Savage, James Risen, Scott Shane, Matt Apuzzo.

* The programs discussed would be the (a) monitoring of emails and other communications of Muslim American citizens as alleged in various media reports during July 2014, (b) XKEYSCORE program, (c) PRISM program, (d) the Section 215 and (e) Section 702 programs

Please note that, although we have negotiated the scope of the other FOIA case, we anticipate the material and processing time to be exceptionally voluminous and complex.

Please advise how you wish to proceed. In accordance with DoD regulation, processing of your request is being held in abeyance pending a response from you within 30 days of this email. If we have not heard from you within 30 days, we will assume you are no longer interested in pursuing this request, and your request will be administratively closed.

Regards,

Cindy B
NSA/CSS FOIA Requester Service Center
(301)688-6527

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

From: donotreply@nsa.gov [<mailto:donotreply@nsa.gov>]

Sent: Tuesday, May 19, 2015 8:19 PM

To: donotreply@nsa.gov

Cc: jya@pipeline.com

Subject: FOIA Request (Web form submission)

Name: John L Young

Email: jya@pipeline.com

Company: Cryptome.org

Postal Address: 251 West 89th Street

Postal City: New York

Postal State-prov: NY

Zip Code: 10024

Country: United States of America

Home Phone: 212-873-8700

Work Phone: 212-873-8700

Records Requested: Edward Snowden was quoted in Forbes online May 10, 2015:

<http://www.forbes.com/sites/runasandvik/2015/05/10/what-edward-snowden-said-at-the-nordic-media-festival/2/> <<http://www.forbes.com/sites/runasandvik/2015/05/10/what-edward-snowden-said-at-the-nordic-media-festival/2/>>

"What I did was that I worked in partnership with the journalists who received the material. As a condition of receiving the material they agreed, prior to publication, to run these stories by the government. Not for the government to censor them, but for the government to be able to look at these and go look, this isn't going to get anybody killed, this isn't going to put a human agent behind enemy lines at risk or something like that. This isn't going to make Al Qaeda be able to bomb buildings. And I think the value of this model has been proven to be quite effective."

In response to this Snowden statement I request all records of journalists and/or their representatives contacting the National Security Agency, other US intelligence agencies and US Government departments about the release of Snowden-provided material, responses by NSA, other US intelligence agencies and US Government Departments to the journalists' and/or their representatives' contacts, ts, any and all agreements and/or understandings between the journalists and/or their representatives and NSA and US intelligence agencies about the material to be released.

The response to this request will be published on the public education website Cryptome.org.

I agree to pay for the cost of this request.

Thank you.

John Young