

March 17, 2004

James Hogan  
Department of Defense  
Office of Freedom of Information/Security Review  
Room 2C757  
1155 Defense Pentagon  
Washington, D.C. 20301-1155

Re: FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Hogan:

I am an attorney representing the Military Law Task Force (“MLTF”) of the National Lawyers Guild for the purpose of requesting the following documents in preparation for an article for “On Watch,” the newsletter of the MLTF. In accordance with the requirements of the Freedom of Information Act, 5 U.S.C. § 552, please produce the following documents:

- (1) Any and all Rules of Engagement (whether called so, or by any other name) in effect for military personnel who, on March 4, 2005, fired upon, or ordered the firing upon, the car carrying Italian journalist Giuliana Sgrena while she was en route to the Baghdad, Iraq airport;
- (2) Any other documents bearing on any purported justification for the actions taken by the military, or any personnel, in firing on Ms. Sgrena’s car on March 4, 2005;
- (3) Any and all Rules of Engagement (whether called so, or by any other name) in effect for military personnel engaged in Fallujah, Iraq from March through December, 2004; and
- (4) Any and all documents (guidelines, directives, trainings, rules, orders, etc) which relate to, touch upon, or concern the judgments of U.S. military personnel in Iraq in distinguishing between civilians and combatants, including without limitation such decision-making in Fallujah and along the road to the Baghdad Airport in Iraq.

If any of this request falls within one of the nine exemptions to mandatory disclosure I ask that the agency exercise its discretionary release powers to disclose the materials. Chrysler Corp. v. Brown, 441 U.S. 281, 293 (1979). If any of the requested documents are not produced due to their exempt status, I expect release of all reasonably segregable portions which are not themselves exempt, 5 U.S.C. § 552(b).

In order to help you determine my status for the purpose of assessing fees, please be advised that I am writing on behalf of representatives of the news media – to wit, the MLTF’s journalists – who are writing an article for “On Watch,” the newsletter of the MLTF, 5 U.S.C. § (a)(4)(A)(ii)(II).

Further, I seek a waiver of fees for this request on the grounds that disclosure of the requested information to me is in the public interest in that it is likely to contribute

significantly to public understanding of the operations and activities of the DoD and is not primarily for commercial interest. The requested information will be used by the MLTF to write an article which will be disseminated to the general public through the widely distributed newsletter "On Watch" which is available for free in electronic format. Thereby, many people will have access to the materials which are the subject of this request, 5 U.S.C. § 552(a)(4)(A)(iii).

In the event you do not believe I am entitled to a waiver, please inform me as to your reasons, and please advise me how many pages you estimate I would be charged for, and the price per page.

Please reply within the statutory time limit set out in 5 U.S.C. § 552(a)(6)(A)(i). Thank you in advance for your assistance, and for facilitating prompt access to the requested records.

Feel free to contact me at 1.415.285.8091 to discuss any aspect of this request.

Sincerely,

Colleen Flynn, Attorney  
115 ½ Bartlett Street  
San Francisco, CA 94110  
1.415.285.8091