

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
SAE PRODUCTIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civ. A. No. 07-CV-00866-JR
)	
FEDERAL BUREAU OF INVESTIGATION,)	
)	
Defendant.)	
_____)	

DECLARATION OF DAVID M. HARDY

I, David M. Hardy, declare as follows:

(1) I am currently the Section Chief of the Record/Information Dissemination Section (“RIDS”), Records Management Division (“RMD”), at Federal Bureau of Investigation Headquarters (“FBIHQ”) in Washington, D.C. I have held this position since August 1, 2002. Prior to joining the FBI, from May 1, 2001 to July 31, 2002, I was the Assistant Judge Advocate General of the Navy for Civil Law. In that capacity, I had direct oversight of Freedom of Information (“FOIA”) policy, procedures, appeals, and litigation for the Navy. From October 1, 1980 to April 30, 2001, I served as a Navy Judge Advocate at various commands and routinely worked with FOIA matters. I am also an attorney who has been licensed to practice law in the State of Texas since 1980.

(2) In my official capacity as Section Chief of RIDS, I supervise approximately 214 employees who staff a total of ten (10) FBIHQ units and a field operational service center unit whose collective mission is to effectively plan, develop, direct and manage responses to requests

for access to FBI records and information pursuant to the FOIA; Privacy Act; Executive Order 12958, as amended; Presidential, Attorney General and FBI policies and procedures; judicial decisions and Presidential and Congressional directives. The statements contained in this declaration are based upon my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

(3) Due to the nature of my official duties, I am familiar with the procedures followed by the FBI in responding to requests for information from its files pursuant to the provisions of the FOIA, 5 U.S.C. 552, and the Privacy Act of 1974, 5 U.S.C. § 552a. Specifically, I am aware of the treatment which has been afforded the FOIA requests of Steven Emerson, on behalf of plaintiff SAE Productions, Inc., who seeks access to records pertaining to the Council on American Islamic Relations (“CAIR”), the Partnership for Prevention and Community Safety Initiative (“PFP”), and a Springfield, Illinois town hall meeting held on December 9, 2006, with Muslim community leaders, FBI personnel, and officials of the United States Attorney's Office.

(4) This declaration, filed in support of defendant's motion for summary judgment, will provide the Court and plaintiff with an explanation of the procedures used to search for records responsive to plaintiff's requests, and the review and processing of these responsive FBI records. The FBI has been advised that plaintiff is no longer challenging any of the claimed exemptions; as a result, this declaration will not include a detailed discussion of the justifications for the withheld information.¹

¹ The FBI is not the proper party defendant in this FOIA case. Pursuant to 5 U.S.C. § 552(f), the proper party defendant in a FOIA case is the U.S. Department of Justice (“DOJ”), who should accordingly be substituted for the FBI.

CHRONOLOGY OF PLAINTIFF'S FOIA REQUESTS

COUNT ONE OF PLAINTIFF'S COMPLAINT

(5) By letter dated January 2, 2007, addressed to the FBI's Cleveland Field Office ("CVFO"), plaintiff submitted a FOIA request for records pertaining to an alleged training program established by the CAIR for officials from the FBI, and the city police force in Cleveland, Ohio. Specifically, plaintiff requested any written, video or audio materials used in the session; any and all correspondence between the FBI and CAIR associated with the session; any reports, memoranda, e-mails or other internal FBI documents related to the session; identity information of the CAIR presenter at the session; and any attendee evaluation forms/documents that may have been prepared resulting from the session. Plaintiff provided the FBI with a news article titled "U.S. Law Enforcement Gets Lessons on Islam." (**See Exhibit A.**)

(6) By letter dated January 8, 2007, the CVFO acknowledged receipt of plaintiff's FOIA request and advised that the request had been forwarded to FBIHQ for processing. Plaintiff was advised that RIDS at FBIHQ would maintain the request in the order that it was received, and would assign it for processing and response in turn. In addition, plaintiff SAE was advised that RIDS would assign the request a FOIPA number and advise of that number as soon as possible. Further, plaintiff SAE was advised to direct any future correspondence concerning the request to FBIHQ. (**See Exhibit B.**)

(7) By letter dated January 16, 2007, FBIHQ acknowledged receipt of plaintiff's FOIA request and assigned it Request No. 1067168. (**See Exhibit C.**)

(8) By letter dated January 24, 2007, FBIHQ advised plaintiff that its FOIA request – which had been assigned Request No. 1067168 – had been forwarded from the CVFO. FBIHQ

advised plaintiff that to promptly respond to requests, it concentrates on identifying main files in the Central Records System ("CRS") at FBIHQ.² Plaintiff was advised that a search of the automated indices located no records responsive to its FOIA request (Request No. 1067168) for records pertaining to the American-Islamic Relations Cleveland Meeting. Plaintiff was advised of the right to file an administrative appeal to the U.S. Department of Justice ("DOJ"), Office of Information and Privacy ("OIP"). **(See Exhibit D.)**

(9) By letter dated March 5, 2007, plaintiff appealed the FBI's action to OIP.

(See Exhibit E.)

(10) By letter dated March 28, 2007, OIP acknowledged receipt of plaintiff's appeal and assigned it Appeal No. 07-0893. **(See Exhibit F.)**

(11) By letter dated September 20, 2007, FBIHQ advised plaintiff that a further search had located responsive documents and it was releasing 51 pages out of a total of 51 pages in response to FOIPA Request No. 1067168. Plaintiff was advised that certain information in the documents was exempt from disclosure pursuant to the provisions of the FOIA, 5 U.S.C. § 552 (b)(2) and (b)(6). Furthermore, plaintiff was advised of the right to file an administrative appeal.

(See Exhibit G.)

(12) By letter dated June 14, 2007, OIP, advised plaintiff that it had been informed that a complaint for judicial review of the action of the FBI had been filed in the United States District Court for the District of Columbia. Plaintiff was advised that since the matter was before the Court, OIP was closing referenced appeal nos. 07-0893 in accordance with 28 C.F.R. § 16.9(a)(3) (2006). **(See Exhibit KK.)**

² In this instance, the FBI searched the CVFO indices of the CRS.

COUNT TWO OF PLAINTIFF'S COMPLAINT

(13) By letter dated January 4, 2007, plaintiff submitted a FOIA request to FBIHQ for all memoranda, e-mails, correspondence, videos, audio tapes, reports, etc. that the FBI has related to the PFP Safety Initiative. **(See Exhibit H.)**

(14) By letter dated February 9, 2007, FBIHQ advised plaintiff that to promptly respond to requests, it concentrates on identifying main files in the CRS at FBIHQ. FBIHQ advised plaintiff that a search of the automated indices located no records responsive to its FOIA request (Request No. 1068705) for records pertaining to the PFP. Plaintiff was advised of its right to file an administrative appeal. **(See Exhibit I.)**

(15) By letter dated March 5, 2007, plaintiff appealed the FBI's action to OIP. Plaintiff's counsel enclosed two letters from Special Agents in Charge at the FBI's Washington ("WFO") and Boston ("BSFO") field offices which thanked Professor Deborah A. Ramirez, Executive Director of Partnering for Prevention, for having provided the WFO with a copy of "Promising Practices Guide and the opportunity for the BSFO to participate in the Boston Pilot Project."³ **(See Exhibit J.)**

(16) By letter dated March 28, 2007, OIP acknowledged receipt of plaintiff's appeal and assigned it Appeal No. 07-0894. **(See Exhibit K.)**

(17) By letter dated September 20, 2007, FBIHQ released to plaintiff four pages out of a total of four pages located in response to FOIPA Request No. 1068705-001. No information was withheld from these documents. **(See Exhibit L.)**

³ In accordance with the DOJ FOIA regulations, 28 C.F.R. §§ 16.3(a) and 16.41(a), FOIA requesters are placed on constructive notice that it is incumbent upon them to direct their requests to those FBI field offices most likely to have responsive records.

(18) By letter dated June 14, 2007, OIP advised plaintiff that it had been informed that a complaint for judicial review of the action of the FBI had been filed in the United States District Court for the District of Columbia. Plaintiff was advised that since the matter was before the Court, OIP was closing referenced appeal no. 07-0894 in accordance with 28 C.F.R. § 16.9(a)(3) (2006). **(See Exhibit KK.)**

COUNT THREE OF PLAINTIFF'S COMPLAINT

(19) By letter dated March 5, 2007, plaintiff submitted a FOIA request to the FBI's Boston Field Office ("BSFO") for all memoranda, e-mails, correspondence, videos, audio tapes, reports, etc., that the FBI has related to the PFP. **(See Exhibit M.)**

(20) By letter dated March 5, 2007, plaintiff submitted a FOIA request to the FBI's Los Angeles Field Office ("LAFO") for all memoranda, e-mails, correspondence, videos, audio tapes, reports, etc., that the FBI has related to the PFP. **(See Exhibit N.)**

(21) By letter dated March 20, 2007, FBIHQ acknowledged receipt of plaintiff's FOIA request to BSFO and assigned it FOIPA Request No. 1073074. **(See Exhibit O.)**

(22) By letter dated March 21, 2007, FBIHQ acknowledged receipt of plaintiff's FOIA request to LAFO and advised that this request had also been assigned FOIPA Request No. 1073074. **(See Exhibit P.)**

(23) By letter dated March 26, 2007, FBIHQ advised plaintiff that to promptly respond to requests, it concentrates on identifying main files in the CRS at the BSFO and LAFO. FBIHQ advised plaintiff that a search of the automated indices located no records responsive to its FOIA request (Request No. 1073074) for records pertaining to the PFP. Plaintiff was advised of its right to file an administrative appeal. **(See Exhibit Q.)**

(24) By letter dated March 30, 2007, plaintiff appealed the FBI's "no records" response to OIP. **(See Exhibit R.)**

(25) By letter dated April 18, 2007, OIP acknowledged receipt of plaintiff's appeal and assigned it Appeal No. 07-1078. **(See Exhibit S.)**

(26) By letter dated May 21, 2007, OIP affirmed the FBI's action. Plaintiff was advised of its right to seek judicial review. **(See Exhibit T.)**

(27) By letter dated September 21, 2007, FBIHQ advised plaintiff that it had conducted an additional search of the automated indices to the Central Records System ("CRS") and had located no main files or cross-references in the Boston, Los Angeles, Detroit, and San Diego field offices that pertained to requests for the PFP. **(See Counts Three, Five, and Six of plaintiff's Complaint.)** We further advised plaintiff that a renewed search of FBIHQ automated indices for documents that pertained to the "12/09/06 town hall meeting" yielded no responsive material. **(See Count Seven of Plaintiff's Complaint.) (See Exhibit U.)**

(28) By letter dated May 21, 2007, OIP advised plaintiff that after carefully considering the appeal for documents that pertained to the PFP, its office was affirming the FBI's action that pertained to Request. No.1073074. **(See Exhibit V.)**

COUNT FIVE OF PLAINTIFF'S COMPLAINT⁴

(29) By letter dated March 5, 2007, plaintiff submitted a FOIA request to the FBI's Detroit Field Office ("DEFO") for all memoranda, e-mails, correspondence, videos, audio tapes, reports, etc., that the FBI has related to the PFP. **(See Exhibit V.)**

⁴ Plaintiff's Complaint did not include a "Count Four."

(30) By letter dated March 15, 2007, FBIHQ advised plaintiff that to promptly respond to requests, it concentrates on identifying main files in the CRS at the DEFO. FBIHQ advised plaintiff that a search of the automated indices located no records responsive to its FOIA request (Request No. 1072819) for records pertaining to the PFP. Plaintiff was advised of its right to file an administrative appeal. **(See Exhibit W.)**

(31) By letter dated March 22, 2007, plaintiff appealed the FBI's action regarding FOIA Request No. 1072819 to OIP. **(See Exhibit X.)**

(32) By letter dated April 9, 2007, OIP acknowledged receipt of plaintiff's appeal and assigned it Appeal No. 07-1047. **(See Exhibit Y.)**

(33) By letter dated June 14, 2007, OIP, advised plaintiff that it had been informed that a complaint for judicial review of the action of the FBI had been filed in the United States District Court for the District of Columbia. Plaintiff was advised that since the matter was before the Court, OIP was closing referenced Appeal no. 07-1047 in accordance with 28 C.F.R. § 16.9(a)(3) (2006).

(See Exhibit KK.)

COUNT SIX OF PLAINTIFF'S COMPLAINT

(34) By letter dated March 5, 2007, plaintiff submitted a FOIA request to the FBI's San Diego Field Office ("SDFO") for all memoranda, e-mails, correspondence, videos, audio tapes, reports, etc., that the FBI has related to the PFP. **(See Exhibit Z.)**

(35) By letter dated March 19, 2007, the SDFO acknowledged receipt of plaintiff's FOIA request dated March 5, 2007, and advised that the request had been forwarded to FBIHQ for processing. Plaintiff was advised that the Record/Information Dissemination Section

("RIDS") at FBIHQ would maintain the request in the order that it was received, and would assign it for processing and response in turn. In addition, plaintiff was advised that RIDS would assign the request a FOIPA Number and advise of that number as soon as possible. Further, plaintiff was advised to direct any future correspondence concerning the request to FBIHQ. (**See Exhibit AA.**)

(36) By letter dated April 27, 2007, FBIHQ advised plaintiff that Request No. 1076466 had been forwarded to FBIHQ from the SDFO. Plaintiff was advised that to promptly respond to requests, it concentrates on identifying main files in the CRS at SDFO. FBIHQ advised plaintiff that a search of the automated indices located no records responsive to its FOIA request for records pertaining to the PFP. Plaintiff was advised of the right to file an administrative appeal. (**See Exhibit BB.**)

(37) By letter dated May 1, 2007, plaintiff appealed the FBI's action regarding FOIA Request No. 1076466 to OIP. (**See Exhibit CC.**)

(38) By letter dated May 17, 2007, OIP acknowledged receipt of plaintiff's appeal and assigned it Appeal No. 07-1449. (**See Exhibit DD.**)

(39) By letter dated June 28, 2007, OIP advised plaintiff that it had been informed that a complaint for judicial review of the action of the FBI had been filed in the United States District Court for the District of Columbia. Plaintiff was advised that since the matter was before the Court, OIP was closing the appeal in accordance with 28 C.F.R. § 16.9(a)(3) (2006). (**See Exhibit EE.**)

COUNT SEVEN OF PLAINTIFF'S COMPLAINT

(40) By letter dated January 9, 2007, plaintiff submitted a FOIA request to FBIHQ for

all files and records from the December 9, 2006, town hall meeting hosted by the Springfield Field Office ("SIFO") with local Muslim community leaders, as well as a list of attendees with their names and affiliation. Further, plaintiff requested any correspondence, memos and/or e-mails related to this meeting, as well as any video tape material made of the meeting. Plaintiff enclosed an FBI Press Room release regarding the December 9, 2006, town hall meeting. (**See Exhibit FF.**)

(41) By letter dated January 22, 2007, FBIHQ acknowledged receipt of plaintiff's FOIA request and assigned it Request No. 1067518. (**See Exhibit GG.**)

(42) By letter dated January 25, 2007, FBIHQ advised plaintiff that to promptly respond to requests, it concentrates on identifying main files in the CRS at FBIHQ. Plaintiff was advised that a search of the automated indices located no records responsive to its FOIA request (Request No. 1067518) for records pertaining to the Springfield, Illinois December 9, 2006, town hall meeting. Plaintiff was advised of the right to file an administrative appeal. (**See Exhibit HH.**)

(43) By letter dated March 5, 2007, plaintiff appealed the FBI's action regarding FOIA Request No. 1067518 to OIP. (**See Exhibit II.**)

(44) By letter dated March 28, 2007, OIP acknowledged receipt of plaintiff's appeal and assigned it Appeal No. 07-0892. (**See Exhibit JJ.**)

(45) By letter dated June 14, 2007, OIP, advised plaintiff that it had been informed that a complaint for judicial review of the action of the FBI had been filed in the United States District Court for the District of Columbia. Plaintiff was advised that since the matter was before the Court, OIP was closing referenced Appeal Nos. 07-0892, 07-0893, 07-0894, and 07-1047 in

accordance with 28 C.F.R. § 16.9(a)(3) (2006). (See Exhibit KK.)

COUNT EIGHT OF PLAINTIFF'S COMPLAINT

(46) By letter dated March 5, 2007, plaintiff submitted a FOIA request to the FBI's SIFO for all files and records from the December 9, 2006, town hall meeting with local Muslim community leaders, as well as a list of attendees with their names and affiliation. Further, plaintiff requested any correspondence, memos and/or e-mails related to this meeting, as well as any video tape material made of the meeting. Plaintiff enclosed an FBI Press Room release regarding the December 9, 2006, town hall meeting. (See Exhibit LL.)

(47) By letter dated March 20, 2007, the Chief Division Counsel of the FBI's SIFO advised plaintiff of receipt of its FOIA request. Plaintiff was advised that the request had been forwarded to FBIHQ for processing. Plaintiff was advised that RIDS at FBIHQ would maintain the request in the order that it was received, and would assign it for processing and response in turn. In addition, plaintiff was advised that RIDS would assign the request a FOIPA Number and advise of that number as soon as possible. Further, plaintiff was advised to direct any future correspondence concerning the request to FBIHQ. (See Exhibit MM.)

(48) By letter dated September 20, 2007, FBIHQ advised plaintiff that its March 4, 2006 request to the SIFO office had been assigned FOIPA Request No. 1080267-000. In addition, FBIHQ advised that it had located responsive documents and released 92 pages out of a total of 92 pages, with certain information redacted pursuant to 5 U.S.C. §§ 552 (b)(2) and (b)(6). Furthermore, plaintiff was advised of its right to file an administrative appeal. (See Exhibit NN.) OIP has confirmed that plaintiff did not file an appeal related to this request.

EXPLANATION OF THE FBI'S CENTRAL RECORDS SYSTEM

(49) The Central Records System ("CRS") enables the FBI to maintain all information which it has acquired in the course of fulfilling its mandated law enforcement responsibilities. The records maintained in the CRS consist of administrative, applicant, criminal, personnel, and other files compiled for law enforcement purposes. CRS is organized into a numerical sequence of files, called FBI "classifications," which are broken down according to subject matter. The subject matter of a file may correspond to an individual, organization, company, publication, activity, or foreign intelligence matter (or program). Certain records in the CRS are maintained at FBIHQ, whereas records that are pertinent to specific field offices of the FBI are maintained in those field offices. While the CRS is primarily designed to serve as an investigative tool, the FBI searches the CRS for documents that are potentially responsive to FOIA/Privacy Act requests. The mechanism that the FBI uses to search the CRS is the Automated Case Support System ("ACS").

(50) The ACS was implemented for all Field Offices, Legal Attaches ("Legats"), and FBIHQ in order to consolidate portions of the CRS that were previously automated. ACS can be described as an internal computerized subsystem of the CRS. Because the CRS cannot electronically query the case files for data, such as an individual's name or social security number, the required information is duplicated and moved to the ACS so that it can be searched. More than 105 million records from the CRS were converted from automated systems previously utilized by the FBI. Automation did not change the CRS; instead, automation has facilitated more economic and expeditious access to records maintained in the CRS.

(51) The retrieval of data from the CRS is made possible through the ACS using the

General Indices, which are arranged in alphabetical order.⁵ The entries in the General Indices fall into two categories:

(a) A "main" entry -- A "main" entry, or "main" file, carries the name corresponding with a subject of a file contained in the CRS.

(b) A "reference" entry -- "Reference" entries, sometimes called "cross-references," are generally only a mere mention or reference to an individual, organization, or other subject matter, contained in a document located in another "main" file on a different subject matter.

(52) Searches made in the General Indices to locate records concerning particular subjects are made by searching the subjects requested in the index.

(53) The ACS consists of three integrated, yet separately functional, automated applications that support case management functions for all FBI investigative and administrative cases:

(a) Investigative Case Management ("ICM") -- ICM provides the ability to open, assign, and close investigative and administrative cases as well as set, assign, and track leads. The Office of Origin ("OO"), which sets leads for itself and other field offices, as needed, opens a case. The field offices that receive leads from the OO are referred to as Lead Offices ("LOs"). When a case is opened, it is assigned a Universal Case File Number ("UCFN"), which is used by all FBIHQ, as well as all FBI field offices and Legats that are conducting or assisting in the investigation. Using the [fictitious] file number "100-HQ-1234," as an example, an explanation of the UCFN is as follows: "100" indicates the classification for the specific type of investigation, i.e., National Foreign Intelligence Program; "HQ" is the abbreviated form used for the OO of the

⁵ The General Indices are not only automated but also include index cards which allow a manual search for records that pre-date the implementation of ACS on October 16, 1995.

investigation, which in this case is FBIHQ; and “1234” denotes the individual case file number for the particular investigation.

(b) Electronic Case File (“ECF”) – ECF serves as the central electronic repository for the FBI’s official text-based documents. ECF supports the universal serial concept in that only the creator of a document serializes it into a file. This provides single-source entry of serials into the computerized ECF system. All original serials are maintained in the OO case file.

(c) Universal Index (“UNI”) – UNI continues the universal concepts of ACS by providing a complete subject/case index to all investigative and administrative cases. Only the OOs are required to index; however, the LOs may index additional information as needed. UNI, an index of approximately 99.8 million records, functions to index names to cases, and to search names and cases for use in FBI’s investigations. Names of individuals or organizations are recorded with identifying applicable information, such as date or place of birth, race, sex, locality, Social Security number, or address, and/or date of event.

(54) The decision to index names other than subjects, suspects, and victims is a discretionary decision made by the FBI Special Agent (“SA”) – and on occasion, support employees – assigned to work on the investigation, the Supervisory SA (“SSA”) in the field office conducting the investigation, and the SSA at FBIHQ. The FBI does not index every name in its files; rather, it indexes only that information considered to be pertinent, relevant, or essential for future retrieval. Without a “key” (index) to this enormous amount of data, information essential to ongoing investigations could not be readily retrieved. The FBI files would thus be merely archival in nature and could not be effectively used to serve the mandated mission of the FBI, which is to investigate violations of federal criminal and national security statutes. Therefore, the

General Indices to the CRS files are the means by which the FBI can determine what retrievable information, if any, the FBI may have in its CRS files on particular subject matters or individuals.

**SEARCHES OF THE CRS FOR RECORDS RESPONSIVE TO
PLAINTIFF'S REQUESTS**

(55) In response to plaintiff's Request No.1067168, FBIHQ conducted its routine searches of the CRS on or about January 19, 2007 – using the organization name “Council on American Islamic Relations” and the acronym “CAIR” – in an effort to locate any responsive main investigatory files maintained at the CLFO. This search located no records responsive to plaintiff's FOIA Request No.1067168. FBIHQ searched the CRS for the second subject of plaintiff's request – “The Partnership for Prevention and Community Safety Initiative” and “PFP”– in order to locate any main investigatory files maintained at FBIHQ (Request No.1068705 – searched conducted on or about February 1, 2007), BSFO and LAFO (Request No. 1073074 – search conducted on or about March 19, 2007), DEFO (Request No. 1072819 – search conducted on or about March 9, 2007), and SDFO (Request No. 1076466 – search conducted on or about April 20, 2007). These searches located no main files responsive to plaintiff's requests. Lastly, FBIHQ searched the CRS on or about January 19, 2007 for records pertaining to the December 9, 2006, town hall meeting (Request No. 1067518). This search located no main files responsive to plaintiff's request.

(56) In the absence of a specific request for a search of cross-references at the initial administrative stage, the FBI's current policy is to search for and identify only “main” files responsive to FOIA requests. In this case, none of plaintiff's initial FOIA requests included a specific request for a search for cross-references. Nevertheless, the FBI conducted searches of its

FBIHQ active and inactive indices⁶ to determine whether any responsive cross-references may exist, as well as that of the CVFO, BSFO, LAFO, DEFO, SDFO and SIFO (the exact indices searched depended on the offices identified in the specific request, as explained supra, ¶ 55.

(57) The FBI also sent an Electronic Communication ("EC") to the above field offices and the Offices of Public Affairs and Congressional Affairs at FBIHQ and requested that employees search for and identify any non-serialized potentially responsive documents. And although the FBI followed up on plaintiff's counsel's suggestion of additional FBI employees who may have knowledge of the location of potentially responsive material, those leads did not yield any additional records.

(58) These aggregate search efforts identified the following material as follows: **Count One**, 51 pages of material pertaining to CAIR, which consists of several news articles and related organization pamphlets; **Count Two**, one four-page news article responsive to the PFP requests; **Count Eight**, a two-page thank-you letter to the attendees of the 12/9/06 town hall meeting, a four-page EC, and numerous pictures taken at this event. **(See Exhibit PP.)**

(59) Of the 51 pages of material that pertained to the organization CAIR (**Count One**) 51 pages were released with partial redactions of information. Subsequently, four pages of material that related to PFP (**Count Two**) were located and released in their entirety. Lastly, of the 92 pages of material that pertained to the 12/09/06 town hall meeting (**Count Eight**), 85 pages were released with partial redaction of information and seven pages were released in their entirety. **(See Exhibit PP.)**

⁶ The General Indices, which became fully automated on September 24, 1987, also include index cards which allow for a manual search for records before that date.

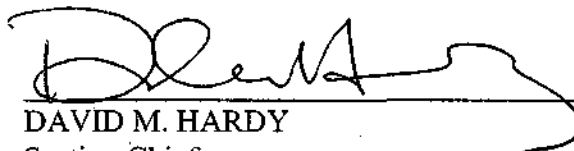
(60) Every effort was made to provide plaintiff with all reasonably segregable portions of material. To further describe the withheld information would identify the protected material, thus negating the purpose of the exemptions. The FBI has been advised that plaintiff is no longer challenging any of the claimed exemptions; as a result, this declaration will not include a detailed discussion of the justifications for the withheld information.

CONCLUSION

(61) The FBI has conducted a search reasonably calculated to uncover all documents potentially responsive to plaintiff's multiple requests. This search has included a search for main files and cross-references at FBIHQ and in the Cleveland, Boston, Los Angeles, Detroit, San Diego, and Springfield Field Offices; and a targeted search directed to certain FBI personnel at FBIHQ and in the above-referenced field offices via EC and e-mail designed to yield any additional non-serialized documents. Each responsive document was individually reviewed for segregability of non-exempt information and it the FBI has determined that all reasonably segregable information has been released to plaintiff. The only information withheld by the FBI consists of information, the disclosure of which could disrupt official FBI business, or would constitute a clearly unwarranted invasion of the privacy of third party individuals.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that **Exhibits A through OO** attached hereto are true and correct copies.

Executed this 28th day of November, 2007.



DAVID M. HARDY
Section Chief
Record/Information Dissemination Section
Records Management Division
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Washington, D.C.