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July 18, 2005

Mr. Scott Koch  
Freedom of Information and Privacy  
Coordinator  
Central Intelligence Agency  
Washington, D.C. 20505

**VIA CERTIFIED MAIL**  
**NO. 7002 2410 0006 2154 7360**

Re: F-2003-00449

Dear Mr. Koch:

I write to respond to your letter to me dated May 11, 2005.

With that letter you returned two checks totalling \$10,806.33, which you stated "related to your previous FOIA request, which is the subject of the prior litigation." This is quite inaccurate, as Mr. Mark Zaid's cover letter sending you those checks explicitly referred to the Mr. Hall's February 7, 2003 request. You then proceed to demand that my client send a new check for \$20,000,000 as a deposit for the amount you estimate that it would cost to conduct searches for all the items of this request as modified and "accepted" by you.

I enclose a new check in the amount of \$10,906.33. This check is not intended to be a deposit towards the search fees you estimate would be incurred if all items of the February 7, 2003 request were searched. It is intended to pay for those records which were identified as a result of searches ordered by Judge Paul Friedman in the previous case, Roger Hall v. Central Intelligence Agency, Civil Action No. 98-1319 ("Hall I"). The records identified by those searches are coterminous with the documents sought by Mr. Hall's February 7, 2003, request, and thus all that are non-exempt must be turned over to Mr. Hall as a consequence of Judge Kennedy's ruling in Roger Hall, et al. v. Central Intelligence Agency ("Hall II") that the CIA cannot exclude any nonexempt documents from its processing of Mr. Hall's February 7, 2003 request on the grounds that they were also at issue in the suit over his 1998 request.

On two prior occasions you have very belatedly refused to accept payment for these searches. I hope that you will not again engage in behavior that is an affront to American veterans and their families and loved ones on whose behalf Mr. Hall and Studies Solutions Results, Inc. are seeking these records. If, however, you choose to pursue that course yet again, I ask that this time you do us the courtesy of informing us immediately, rather than

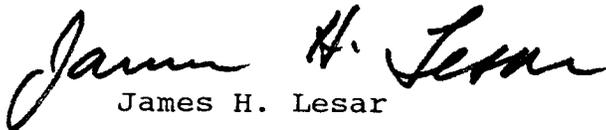
waiting until nearly a year has passed and the check has become stale.

With regard to item 5 of the request, you state that you do not accept it until you receive additional information from my clients, such as the date and place of birth and full name of each of the more than 1700 names that were listed on two attachments to the February 7, 2003 request. However, there is a reference number next to each of those names. The reference number is a number assigned by the Defense Intelligence Agency to each case involving a POW/MIA. Those numbers will allow your POW desk to ascertain all information needed to ascertain the identities of the list of POW/MIAs we have submitted as part of item 5. There is, therefore, no reason why you cannot accept item 5.

With respect to item 7 of the request, you write that it "imposes an unreasonably burdensome search requirement on the Agency and requires research that the FOIA does not mandate." You have not explained what it is about this request that makes it "unreasonably burdensome," nor have you elucidated what it is about this item that entails research that the FOIA does not mandate. It would be helpful if you could set forth some details or examples which you believe support your position on these matters.

Finally, your letter indicates that you will provide my client with the two hours of search time and 100 pages of free documents to which he is entitled to under the law. Mr. Hall wishes the two hours of free search time applied first to item 6 of the request, then to item 7. With regard to item 7, he requests some description of the various searches which might be undertaken so he can select those he wishes to have applied towards his allotment of free search time. Mr. Hall will also commit to pay for copies responsive to these two items which exceed his 100 free pages.

Sincerely yours,

  
James H. Lesar

MARK S. ZAID, ESQ.  
IOLTA ACCOUNT  
~~1501 M ST., N.W., STE. 1175~~  
~~WASHINGTON, D.C. 20005~~  
~~TEL. 202-795-3891~~

1090  
15-7011912  
2540  
66721679

DATE June 17, 2005

PAY TO THE ORDER OF United States Treasury \$ 10,906<sup>35</sup>/<sub>100</sub>

Ten Thousand Nine Hundred Six and 35/100 DOLLARS

**CITIBANK**  
CITIBANK, F.S.B. 1-800-925-1067  
P.O. BOX 15967  
WASHINGTON, DC 20036-0967

MEMO Hall v. CIA Mark S. Zaid

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SAFETY PAPER