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ピースデポ気付

October 10th, 2009

General Counsel of the Navy
1000 Navy Pentagon
Washington D. C. 20350-1000
U. S. A.

Re: Freedom of Information Act Appeal

Dear Sir/Madam,

This is to appeal the response by R. S. Mangas dated 26 Aug 09 to my request of access to the documents pertaining to the investigation of the first class officer and court materials including the rule and all of the documents that describe improvement measures to be taken by the U. S. Navy to prevent such incidents from happening again. He tells me in the letter that some portions of these documents are exempt from disclosure. Herewith I enclose his letter.

(1) All the sections of Opinions and Recommendations of one of the released documents, a letter from someone (name deleted) to Commander, Fleet Activities Sasebo dated 23 Mar 09, have been deleted. While I understand FOIA exemption § 552 (b) (5), I believe it is not appropriate to delete them in their entirety. Factual information therein should be disclosed.

(2) In the letter from Commander, Fleet Activities, Sasebo to Commander, Naval Forces Japan (5800, Ser 13/0207, 25 Mar 09), which is released to me, some parts of the Recommendations mentioned above are already summarized and become public. Therefore there is no reason for R. S. Mangas to withhold disclosure of such parts.

(3) According to the letter from Commander, Fleet Activities, Sasebo to Commander, Naval Forces Japan (5800, Ser 13/0207, 25 Mar 09), which is released to me, most of the Recommendations are approved and adopted. They should not be considered to be a deliberative process document, but in substance it is a part of the final decision document that should be released through FOIA..

(4) In my original request, I requested “all the documents that describe measures to be taken by the U.S. Navy to prevent such incidents from happening again.” Section 2 of the letter from Commander, Fleet Activities, Sasebo to Commander, Naval Forces Japan (5800, Ser 13/0207, 25 Mar 09), which is released to me, describes that Commander, Fleet Activities, Sasebo has directed some measures to remedy the situation. Such documents to remedy the situation should be released to me in accordance with my request.

I trust that upon examination of this communication you will conclude that further consideration should be made and that entire portion or some portions of the relevant documents are to be released. As provided for in the Act, I will expect to receive a reply within 20 working days.

Sincerely,

Naoyuki Imaoka
nowhilljp@yahoo.co.jp

enclosure:

(1) the letter by R. S. Mangas, dated Aug 26, 2009