



January 13, 2000

VIA CERTIFIED MAIL AND FAX

Melanie Ann Pustay  
Deputy Director, Office of Information and Privacy  
Suite 570, Flag Building  
Department of Justice  
Washington, DC 20530-0001

Re: Freedom of Information Act Request.

Dear Ms. Quartey:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. 552, and its regulations, we hereby request from the Department of Justice, all correspondence, memoranda, documents, reports, records, statements, audits, lists of names, applications, diskettes, letters, expense logs and receipts, calendar or diary logs, facsimile logs, telephone records, tape recordings, video recordings, notes, examinations, opinions, folders, files, books, manuals, pamphlets, forms, drawings, charts, photographs, electronic mail, and other documents and things, that refer or relate to the following in any way:

1. "Special Temporary Authorization" grant by the Federal Communications Commission (FCC) to Globalstar USA and/or Globalstar Telecommunications, Ltd.<sup>1</sup>
2. Agreement(s) reached by Globalstar USA and/or Globalstar Telecommunications, Ltd with the Federal Bureau of Investigation, the Department of Defense, the Department of

<sup>1</sup>FCC Grants License to Globalstar USA For Distribution of Satellite Phone Service; Quick Approval Allows Company to Make Services Commercially Viable to U.S. Customers", Dateline: San Francisco, Wednesday, December 29, 1999, *Business Wire*. (Attached)

501 School Street, S.W., Suite 725, Washington, DC 20024, Tel: (202) 646-5172; (888) JW-ETHIC  
FAX: (202) 646-5199; email: info@judicialwatch.org; webpage: <http://www.JudicialWatch.org>

Justice, the National Security Agency and/or any other U.S. government entity(ies), regarding wiretap processes.<sup>2</sup>

3. Bernard Schwartz (Globalstar CEO)

Thank you for your expected cooperation in responding timely to our request, which should be within 20 working days as required under the Act, because time is of the essence.

Pursuant to the FOIA, if any portions of the requested documents are claimed to be privileged, those portions which are not claimed to be privileged should be provided to the undersigned. This should be done prior to the conclusion of the statutory 20-day period for response. In addition, under the FOIA there is an absolute requirement to produce those segregable portions of documents which are not claimed to be privileged, as well as a list ("Vaughn Index") that indicates by date, author, general subject matter, and claims of privilege(s) those documents, or portions thereof, which have been withheld or not provided. Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir 1973), cert. denied, 415 U.S. 977 (1974); Iglesias v. Central Intelligence Agency, 525 F. Supp. 547 (D.C. 1981); see generally LaRocca v. State Farm Mut. Auto. Ins. Co., 47 F.R.D. 278 (W.D. Pa. 1985).

We note that President Clinton instructed agencies in October, 1993, to ensure compliance with both the spirit as well as the letter of the Act. See President Clinton's FOIA Memorandum, U.S. Department of Justice, FOIA Update, Summer/Fall 1993, at 3. In addition, Attorney General Reno issued a FOIA Memorandum in October, 1993, which *inter alia* states "I strongly encourage your FOIA officers to make 'discretionary disclosures' whenever possible under the Act," and orders "a presumption of disclosure." See Attorney General Reno's FOIA Memorandum, U.S. Department of Justice, FOIA Update, Spring 1994, at 1-2.

Judicial Watch also respectfully requests a blanket fee waiver on behalf of the public interest,

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<sup>2</sup>"FCC Grants License To Globalstar For Satellite Phone Service". Dateline: San Francisco, CA, Thursday, December 30, 1999, by Steve Gold in Newsbytes (Post-Newsweek Business Information, Inc). (Attached)

to which it is entitled under 5 U.S.C. § 552(a)(4)(A); *see also, Larson v. Central Intelligence Agency*, 843 F.2d 1482, 1483 (D.C.Cir. 1988); *National Sec. Archive v. U.S. Dept. of Defense*, 880 F.2d 1381, 1385-87 (D.C.Cir. 1989); *see also, Judicial Watch, Inc. v. United States Dep't. of Commerce*, No. 95-0133 (D.D.C. May 16, 1995) (order granting Judicial Watch, Inc.'s request for fee waiver with regard to all responsive documents in proceeding).

Judicial Watch, Inc. is a non-profit, non-partisan, tax-exempt 501(c)(3) organization which as a public interest law firm specializes in deterring, monitoring, uncovering, and addressing public corruption in government. Judicial Watch has and will hold Republicans, Democrats, Independents, and others equally accountable to ethical and legal standards for honest and open government.

The requester has no commercial purpose as a 501(c)(3) non-profit organization organized exclusively to improve the ethical and legal standards in government, accountability of government officials to the rule of law, and public understanding of government operations.

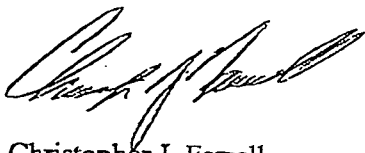
Judicial Watch will also use the requested material to promote accountable government as a representative of the news media and the public in accordance with a second category provided under 5 U.S.C. § 552(a)(4)(A)(ii)(II) and *National Sec. Archive v. U.S. Dept. of Defense*, 880 F.2d 1381, 1385-87 (D.C.Cir. 1989), by disseminating relevant information which may be uncovered. ~~Information will benefit the public by identifying areas for future reform as well as deterring future abuses that could otherwise proliferate without scrutiny.~~

The subject of this request is information concerning the operations and activities of the government. Past experience of Judicial Watch demonstrates the success of Judicial Watch in uncovering important facts about government activities, integrity and operations, of broad concern to the public. Thus, Judicial Watch's request is likely to "contribute significantly" to the public's understanding of the operations of their government, satisfying the requirements of FOIA fee waiver provisions. Judicial Watch's capabilities and effectiveness are a matter of public record.

Immediate release of the requested information is in the public interest, including for promoting confidence in an honest democratic system, and furthering the integrity of the American national government by deterring and/or sanctioning corrupt activities. The failure to do so will likely result in the further compromise of important interests of the American people.

Sincerely,

JUDICIAL WATCH, INC.

A handwritten signature in black ink, appearing to read "Chris Farrell", written in a cursive style.

Christopher J. Farrell