

ALLEN V. DHS, ET. AL; 09-CV-00373-TUC-FRZ (D. AZ)

PLAINTIFFS OBJECTION TO DEFENDANTS MOTION TO DISMISS AND
MOTION FOR A VAUGHN INDEX.

Plaintiffs Exhibit L
14 pages with cover

FOIA dated 2-20-2009 to the Department of State

Answer dated June 1st 2009

Please be advised that **your request has been closed in our system.** If, after noting the information cited above, you wish to pursue this request, please send us a new request, which would include the additional information noted above.

For further communications, please note our contact information at the bottom of this page. You may also refer to our website for general information and guidelines. We can provide faster service if you include the case number of your request in your communications with us.

The State department closed the FOIA case without allowing me an appeal a blatant denial of due process and violation of FOIA mandate.

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 Office of Information Policy and Services
 A/ISS/IPS/RL
 U.S. Department of State
 Washington, DC 20522-8100

2. Article Number (Transfer from service label)
 7008 1140 0003 7375 1665

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Restricted Delivery (Extra Fee)
 Express Mail
 Return Receipt for Merchandise
 C.O.D.
 Yes

4. Signature Agent
 Addressee

5. Received by (Printed Name)
 C. Date of Delivery
 3-5-09

6. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below:

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

WASHINGTON, DC 20522

Postage	\$ 40.42
Certified Fee	\$ 2.70
Return Receipt Fee (Endorsement Required)	\$ 2.20
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 45.32

0744
 11 Postmark Here
 02/20/2009

Sent To: U.S. Department of State
 Street, Apt. No., or PO Box No.: A/ISS/IPS/RL
 City, State, ZIP+4: Washington, DC 20522-8100

PS Form 3800, August 2006 See Reverse for Instructions

599T 52E2 E000 04TT 9002

Date: 10-08-09 Certified Number: 7068 1146 0003 7375 1665

Kenneth Allen
10055 E Gray Hawk Dr
Tucson Arizona 85730
520-514-9704

FREEDOM OF INFORMATION AND PRIVACY ACT 5 USC § 552 & 552(a)
United States Constitution Article I section II

Office of Information Programs and Services
A/ISS/IPS/RL
U. S. Department of State
Washington, D. C. 20522-8100

RE: Freedom of Information Act Request at 5 USC § 552 and the Privacy Act at 5 USC § 552(a), and Article II section I

U.S. Department of State Freedom of Information Act (FOIA)

Each federal agency is responsible for meeting its FOIA responsibilities for its own records. My request is to the state department.

Availability of Department of State Records and Information to the Public

The Freedom of Information Act (FOIA), Title 5 of the United States Code, section 552, generally provides that any person has the right to request access to federal agency records or information. All agencies of the U.S. Government are required to disclose records upon receiving a written request, except those records that are protected from disclosure pursuant to nine exemptions and three exclusions. The FOIA applies only to federal agencies and does not create a right of access to records held by Congress, the courts, or by state or local government agencies. Any requests for state or local government records should be directed to the appropriate state or local government agency. **22 Code of Federal Regulations (CFR) 171** codifies the access procedures and guidelines for the availability of Department of State records and information to the public.

U.S. Department of State maintains records dealing with:

The records being requested under Title 5 USC § 552 and 552(a) are for any Applications from U.S. citizens or aliens for U.S. passports and Visa requests from non-citizens to enter the U.S. Either by the name of Barack H Obama or aka., Barry Soetoro, or by any other name known or unknown, et al. and Stanley Ann Dunham's; aka Stanley Ann Soetoro.

This request is being made to secure documents relating to the Barack H. Obama, aka Barry Soetoro, and aka et al. Or verification of requested documents that do or do not exist; these documents will be used as evidence to secure administrative or judicial due process under the United States Constitution Article I section II.

Requestor hereby requests a waiver of fees, for any reason the agency feels it cannot waive the fees, the requestor will pay only reasonable fees not more than \$40.00.


This request is being made under the Freedom of Information Act at 5 USC § 552 and the Privacy Act at 552(a), Article II section I and the 14th Amendment, documents requested herein are for personal and public use, therefore I hereby request the following:

1. Request an original copy of the immigration records when he as Barry Soetoro [adopted in Indonesia] returned to Hawaii in 1971, if any, and any change of name Court records are necessary as Obama might be an illegal alien, not only not qualified to be President, but a fraud as U.S. Senator from Illinois.
2. Records from his School: Fransiskus Assisi School, Name: Barry Soetoro, Citizenship: Indonesian, Name of Parent.
3. Request original documents that would determine who Obama is, Barry Soetoro or Barack H. Obama.
4. Request document whether Barry Soetoro is still an Indonesian citizen and if he isn't when did he become naturalized pursuant to the 14th Amendment.
5. A original copy of Records showing if Barry Seotoro is Barack H. Obamas legal name.
6. A true and correct copy of Barack H. Obama passport for the year 1979, 1980, 1981 and 1982
7. A true and correct copy of Barry Soetoro passport "Indonesian" for the years 1979, 1980, 1981 and 1982
8. A true copy of Stanley Ann Dunham's passport for the years 1959, 1960, 1961, 1962 and 1963.
9. A true and correct copy of Ann Obama, aka Ann Dunhams passport.
10. Any all of the above requested documentation should include, and not be limited to: notes, changes, requests for changes, omissions, exclusions, deletions or redactions.

I am entitled to verified copies of all requested documents herein contained under statutory authority.

I, Kenneth Allen attest under the penalty of perjury, and under the laws of these United States of America, that I am Citizen of the United States and requestor for the foregoing documents under the United States Constitution I have the right to request the foregoing requested documents for the years 1961 through 2009 years.

Respectfully submitted on the 20th day of Feb., 2009

 name



United States Department of State
Washington, D.C. 20520

JUN - 1 2009

Case Number: 200901157

Mr. Kenneth Allen
10055 E. Gray Hawk Dr.
Tucson, Arizona 85730

Dear Mr. Allen:

This is in response to your Freedom of Information Act (FOIA) request, received March 5, 2009, for copies of information on Barrack H. Obama, aka Barry Soetoro and his mother. Specifically you are requesting the following:

1. **Original copy of the immigration records when he as Barry Soetoro returned to Hawaii in 1971.**
2. **Records for his school: Fransiskus Assisi School, name Barry Soetoro, Citizenship: Indonesian, Name of Parent.**
3. **Original documents that would determine who Obama is, Barry Soetoro or Barrack H. Obama.**
4. **Document whether Barry Soetoro is still an Indonesian citizen and if he isn't, when he became naturalized pursuant to the 14th Amendment.**
5. **Original copy of records showing if Barry Soetoro is Barrack H. Obama's legal name.**
6. **A true and correct copy of Barrack H. Obama's passport for the years 1979 through 1982.**
7. **A true and correct copy of Barry Soetoro's passport "Indonesian" for the years 1979 through 1982.**
8. **A true copy of Stanley Ann Dunham's passport for the years 1959 through 1963.**
9. **A true and correct copy of Ann Obama's, (AKA Ann Dunham's) passport.**

Office of Information Programs and Services
U.S. Department of State, SA-2
Washington, DC 20522-8100
Website: www.foia.state.gov

Inquiries:
Phone: 1-202-261-8484
FAX: 1-202-261-8579
E-mail: FOIAStatus@state.gov

The Department of State is responsible for formulating and executing U.S. foreign policy and primarily maintains records dealing with U.S. foreign relations. The Department also maintains records of applications from U.S. citizens for U.S. passports, and visa requests from non-citizens to enter the U.S., records on consular assistance provided to U.S. citizens abroad, and records of its own employees. The Department of State is comprised of hundreds of offices and overseas posts, so requesters should be specific about the records they seek.

Before we can proceed with the processing of your request, we need the additional information in the paragraphs marked below.

- An agreement to pay fees, as described below in the Fees Section.
- A valid "Third Party" authorization, as described below.
- Valid personal verification, as described below.
- Additional information and clarification, as described below.

Fees

The Freedom of Information Act (FOIA) requires agencies to assess fees to recover the direct costs of processing requests, unless a fee waiver has been granted.

According to our regulations, by making a FOIA request, you have agreed to pay all applicable fees up to \$25 unless a fee waiver has been granted. You may specify a willingness to pay a greater amount. If the estimated fees exceed this limit, you will be notified.

- You have stated your willingness to pay the fees incurred in the processing of this request up to \$_____.
- Please let us know if you are willing to pay the fees that will be incurred in the processing of your request. You may set a limit of the maximum amount that you wish to pay. Please be advised that,

without an agreement to pay fees, your request will be processed without cost up to the required first 2 hours of search time (for all other requester category only) and duplication of the first 100 pages (for all other, media, educational and non-commercial scientific requester categories).

We will notify you of the costs incurred in processing your request as soon as the search for, and review of, any responsive documents have been completed.

Fee Waiver

- Due to the fact that we cannot begin processing your request at this time, we will not address whether your request would be entitled to a fee waiver. If you wish to pursue this request, you may ask for a fee waiver when you send us a new request, and supply the additional information necessary to make your request valid.

Based upon the information that you have provided, we have placed you in the requester category checked below. This request will be processed in accordance with the fee schedule designated for that category (see 22 C.F.R. 171, enclosed).

- Commercial Use Requesters – Requires us to assess charges that recover the full direct costs of searching for, reviewing for release, and duplicating the record(s) sought.
- Educational Institution Requesters – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- Non-commercial Scientific Institution Requesters – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- Representatives of the News Media – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- All Other Requesters – Requires us to assess charges that recover the full reasonable direct cost of searching for and duplicating the

record(s) sought, after the first 100 pages of duplication, and the first two hours of search time.

- You have indicated your inclusion in a category different than the one indicated above. Please forward the information requested on the enclosed sheet titled "Requester Categories" to substantiate your inclusion in a particular category of requester.

Expedited Processing

- Due to the fact that we cannot begin processing your request at this time, we will not address whether your request would be entitled to expedited processing. If you wish to pursue this request, you may ask for expedited treatment when you send us a new request, and supply the additional information necessary to make your request valid.

Third Party Requests

In general under the provisions of the FOIA and the Privacy Act, access to information about private individuals cannot be given to unauthorized third parties absent the individuals' written consent.

The State Department requires that written consent be in the form of a signed, notarized statement from the individual(s), authorizing the Department of State to release information to the other party. The statement should bear the **original signature of the individual and original seal of the notary**, and be dated within six months of the date of the request.

In lieu of notarization, the individual may make the following statement: "I declare, certify, verify or state under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct." Such a statement must be forwarded to us **with a current date and an original signature** (faxed photocopies cannot be accepted).

- In cases involving a visa petitioner and one or more beneficiaries, please obtain an authorization from all parties.

- For living individuals, such as **Barrack H. Obama, aka Barry Soetoro** please provide written consent (see above), or advise us that you are unable to provide such an authorization. Requests can be processed without consent, but release of records may be severely limited to protect the privacy of the subject individual(s).
- In cases involving the records of minors (unmarried persons under the age of 18), please provide documentation of the parental/guardian relationship.
- For deceased individuals, unless the death has been widely reported, please provide proof of death (e.g., newspaper obituary or a copy of a death certificate), or advise us that none will be forthcoming.

The authorization, and your request for information from the State Department, **should not be submitted on a Department of Justice (G-28) or Department of Homeland Security (G-639) form, or a form from any other agency**, but rather on your letterhead or plain bond. Please be advised that these forms do not authorize the State Department to release privacy-protected information, rather they authorize the Departments of Justice and/or Homeland Security, respectively, to release privacy-protected information.

- We are returning these forms to you so that you may use them to request material from those specific Departments or Agencies.

Personal Verification

- In order to process your request, you must re-submit it bearing your original signature (faxed photocopies cannot be accepted). Your signature must be notarized, or, if a notary is not available, you must provide the following statement: "I declare, certify, verify or state under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct."
- Please provide your date of birth.

- Please provide your place of birth (including city, state and/or country).
- Please provide your citizenship status.

Additional Information and/or Clarification

As the Department of State consists of hundreds of offices and overseas posts, with many different filing systems, your request should be specific, detailed, and include as much of the following as might be relevant:

- Please specify time frame.
- Please narrow scope of request. **What "immigration records" do you seek in item #1 - Entry records or visa records? Please describe the records you seek in items 3, 4, and 5.**
- Please provide date of birth.
- Please provide place of birth (including city, state and/or country).
- Please identify the type of record, subject matter, countries and/or organizations involved. **Please clarify if you want copies of passports or passport records for items 6, and 8.**
- Please provide a full description of incidents, meetings, events, persons involved, etc., pertaining to the documents requested.
- Please indicate if persons involved are public figures or deceased individuals.
- Please provide any information on specific filing systems.

Records 25 Years or Older

- The State Department ordinarily transfers permanent records to the National Archives and Records Administration when they are 25 or more years old. Accordingly, requests for records 25 years or older should be addressed to:

National Archives and Records Administration
8601 Adelphi Road, Room 3110
College Park, MD 20740-6001

Older Passport/Visa Records

- For pre-1925 passport records, and visa records dating 1910-1940, please write to:

Civil Records
National Archives and Records Administration
Washington, DC 20408

Other Agency Material

- Some of the material that you seek appears to have been originated by another agency (ies). If you wish to contact the Freedom of Information/Privacy Office of that agency (ies), the address (es) can be found on the attached list.

Based on the information contained in your communication, it appears that the below listed records you seek are not within the purview of the Department of State.

Item 2 of your request letter, records from his school: Fransiskus Assisi School, Name: Barry Soetoro, Citizenship: Indonesian, Name of Parent

Item 7 of your request letter, a copy of Barry Soetoro's "passport Indonesian"

Office of Information Programs and Services
U.S. Department of State, SA-2
Washington, DC 20522-8100
Website: www.foia.state.gov

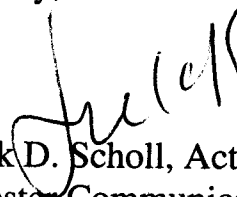
Inquiries:
Phone: 1-202-261-8484
FAX: 1-202-261-8579
E-mail: FOIAStatus@state.gov

Please be advised that your request has been closed in our system. If, after noting the information cited above, you wish to pursue this request, please send us a new request, which would include the additional information noted above.

For further communications, please note our contact information at the bottom of this page. You may also refer to our website for general information and guidelines. We can provide faster service if you include the case number of your request in your communications with us.

We are pleased to be of service to you.

Sincerely,



Patrick D. Scholl, Acting Chief
Requester Communications Branch
ISO 9001:2000 Certified

Enclosures:

As stated.

**§ 171.15 Fees to be charged—
categories of requesters.**

Under the FOIA, there are four categories of requesters: Commercial use requesters, educational and noncommercial scientific institutions, representatives of the news media, and all other requesters. The fees for each of these categories are:

(a) *Commercial use requesters.* When the Department receives a request for documents for commercial use as defined in § 171.11(l), it will assess charges that recover the full direct costs of searching for, reviewing for release, and duplicating the record sought. Commercial use requesters are not entitled to two hours of free search time or 100 free pages of reproduction of documents. The Department may recover the cost of searching for and reviewing records even if there is ultimately no disclosure of records (*see* § 171.16(b)).

(b) *Educational and non-commercial scientific institution requesters.* The Department shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must show that the request is being made as authorized by and under the auspices of a qualifying institution, as defined in § 171.11(m) and (n), and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a noncommercial scientific institution) research.

(c) *Representatives of the news media.* The Department shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must meet the criteria in § 171.11(o), and the request must not be made for a commercial use. A request for records supporting

the news dissemination function of the requester shall not be considered to be a commercial use request.

(d) *All other requesters.* The Department shall charge requesters who do not fit into any of the categories above fees that recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge.

**§ 171.14 Fees to be charged—
general.**

The Department shall seek to charge fees that recoup the full allowable direct costs it incurs in processing a FOIA request. It shall use the most efficient and least costly methods to comply with requests for documents made under the FOIA. The Department will not charge fees to any requester, including commercial use requesters, if the cost of collecting a fee would be equal to or greater than the fee itself. With the exception of requesters seeking documents for a commercial use, the Department will provide the first two hours of search time and the first 100 pages of duplication without charge. By making a FOIA request, the requester shall be considered to have agreed to pay all applicable fees up to \$25.00 unless a fee waiver has been granted.

(a) *Searches for responsive records.* If the Department estimates that the search costs will exceed \$25.00, the requester shall be so notified. Such notice shall offer the requester the opportunity to confer with Department personnel with the object of reformulating the request to meet the requester's needs at a lower cost. The request shall not be processed further unless the requester agrees to pay the estimated fees.

(1) *Manual searches.* The Department will charge at the salary rate (*i.e.*, basic pay plus 16 percent of basic pay) of the employee making the search.

(2) *Computer searches.* The Department will charge at the actual direct cost of providing the service. This

63939 Federal Register /
Vol. 69, No. 212 /
Wednesday, November 3,
2004 / Rules and Regulations
will include the cost of operating
the central processing unit
(CPU) for that portion of
operating time that is directly
attributable to searching for
records responsive to a FOIA
request and

operator/programmer salary
attributable to the search.

(b) *Review of records.* Only requesters who are seeking documents for commercial use may be charged for time spent reviewing records to determine whether they are releasable. Charges may be assessed for the initial review only; *i.e.*, the review undertaken the first time the Department analyzes the applicability of a specific exemption to a particular record or portion of a record.

(c) *Duplication of records.* Records shall be duplicated at a rate of \$.15 per page. For copies prepared by computer, such as tapes or printouts, the Department shall charge the actual cost, including operator time, of production of the tape or printout. For other methods of reproduction or duplication, the Department shall charge the actual direct costs of producing the document.

If the Department estimates that the duplication costs will exceed \$25.00, the requester shall be so informed. The request shall not be processed further unless the requester agrees to pay the estimated fees.

(d) *Other charges.* The Department shall recover the full costs of providing services such as those enumerated below:

(1) Certifying that records are true copies (*see* part 22 of this chapter); (2) Sending records by special methods such as express mail, overnight courier, *etc.*

(f) Payment shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed to the Information and Privacy Coordinator.

(g) A receipt for fees paid will be given upon request. Refund of fees paid for services actually rendered will not be made.