

UNCLASSIFIED

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
WASHINGTON, DC

MAR 02 2023

MuckRock News  
c/o Mr. William Fernandes  
DEPT MR 108077  
263 Huntington Avenue  
Boston, MA 02115

Reference: ODNI Case DF-2021-00126 (Appeal)

Mr. Fernandes:

The Office of the Director of National Intelligence (ODNI) received your letter dated 25 January 2023, wherein the initial 24 January determination was administratively appealed.

I have determined, after careful consideration of this appeal, that our initial decision should be affirmed. If dissatisfied with this action, you have the right to seek judicial review in federal district court in accordance with 5 U.S.C. § 552(a)(4)(b). As a non-exclusive alternative to litigation, you may also seek dispute resolution services through the Office of Government Information Services (OGIS) at the National Archives and Records Administration. OGIS is available at 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; telephone (202) 741-5770 or Toll-free (877) 684-6448; fax (202) 741-5769; or email at [ogis@nara.gov](mailto:ogis@nara.gov).

Additional questions may be directed to ODNI's FOIA Public Liaison at [DNI-FOIA-Liaison@dni.gov](mailto:DNI-FOIA-Liaison@dni.gov).

Sincerely,

*Lora A. Shiao*

Lora A. Shiao  
Chief Operating Officer

Enclosure:  
Letter of Appeal, DF-2021-00126, 25 January 2023

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**ENCLOSURE**

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**From:** 108077-76527937@requests.muckrock.com  
**Sent:** Wednesday, January 25, 2023 8:55 PM  
**To:** DNI-FOIA  
**Subject:** RE: Freedom of Information Act Request #DF-2021-00126  
**Attachments:** DF-2021-00126\_Fernandes\_final\_response\_gCNcznQ.pdf; dni\_DuqlUAI.pdf; 1-11-21\_MR106239\_KIBzNxv.pdf; merge\_8\_.pdf

January 25, 2023

This is a follow up to request number DF-2021-00126:

Notice of Appeal  
Freedom of Information Act  
Request: DF-2021-00126  
Chief FOIA Officer  
c/o Director, Information Management Office  
Office of the Director of National Intelligence,  
Washington, DC 20511  
dni-foia@dni.gov

I am contacting you to advise notice of appeal. I appeal all withholdings in full.

I would like to remind you that Peter Frank is the Attorney General of Germany since October 2015, Bruno Kahl has also been serving as the President of the BND since 2016. And the country of Germany has a robust FOIA similar to the United States.

I am as a courtesy providing you with a signed copy of the Data Sharing Agreement with the European Union executed by Attorney General Loretta Lynch inter alia.

I am also providing you with copies of recent memoranda of understanding in relation to President Biden and his meetings with the European Union in relation to handling of data as well as implied conduct for diplomatic relations.

I appreciate the clip art style of regurgitation.

/s/  
William Fernandes

View request history, see four related attachments, upload responsive documents, and report problems here:  
[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Foffice-of-the-director-of-national-intelligence-odni-57%252Fboston-spycraft-108077%252F%253Femail%253DDNI-FOIA%252540dni.gov&url\\_auth\\_token=AAATa5uYHVDmZle1n6U\\_kz1Ix4%3A1pKrTV%3AfCwmMiPgr\\_MZlekHJkv1rzLrcfYdaSrciRhu8PPaNk4](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-director-of-national-intelligence-odni-57%252Fboston-spycraft-108077%252F%253Femail%253DDNI-FOIA%252540dni.gov&url_auth_token=AAATa5uYHVDmZle1n6U_kz1Ix4%3A1pKrTV%3AfCwmMiPgr_MZlekHJkv1rzLrcfYdaSrciRhu8PPaNk4)

If prompted for a passcode, please enter:  
BMXWYJAH

Attachments:

- DF-2021-00126 Fernandes final response
- dni
- 1-11-21\_MR106239
- merge\_8\_.pdf

Filed via MuckRock.com

E-mail (Preferred): 108077-76527937@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 108077  
263 Huntington Ave  
Boston, MA 02115

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Jan. 25, 2023:

Subject: RE: Freedom of Information Act Request: Boston Spycraft DF-2021-00126

Good Morning Mr. Fernandes,

Please see attached final response.

Sincerely,  
DNI-FOIA

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On April 18, 2022:

Subject: RE: Freedom of Information Act Request #DF-2021-00126

Thanks for the courtesy status. Be well.

Best,

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On April 18, 2022:

Subject: RE: Freedom of Information Act Request #DF-2021-00126

Good morning Mr. Fernandes,

Your request is currently in our queue to be worked. Please note approximately 385 cases ahead of yours.

Sincerely,  
DNI-FOIA

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On Sept. 16, 2021:

Subject: RE: Freedom of Information Act Request #DF-2021-00126

Thank you.

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On Sept. 9, 2021:

Subject: RE: Freedom of Information Act Request: Boston Spycraft -DF-2021-00126

Good afternoon,

Please see attached clarity letter and respond within 30 days.

Sincerely,

DNI-FOIA

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On Feb. 11, 2021:

Subject:

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Attached please find a written statement from the Federal Bureau of Investigation indicating it could not release records of anything pertaining to the German Embassy in Boston for the following dates: From November 2, 2015 to current.

<iframe src="https://www.muckrock.com/foi/file/926129/embed/" width="100%" height="600px"></iframe>

Direct link: <https://www.muckrock.com/foi/united-states-of-america-10/copley-plays-106239/#file-926129>

Pursuant to your FOIA jurisdiction including necessity of observations and or documentation of surveillance abuses I am seeking you disclose any and all records pertaining to the embassy and any potential threats to public health and or safety including but not limited to overreaching surveillance abuses being committed by any entities, damage reports, studies of damage, or mentions in any reports, briefs, or emails during the time-frame as specified.

Generalkonsulat der Bundesrepublik Deutschland  
Consulate General of the Federal Republic of Germany  
Three Copley Place, Suite 500  
Boston, MA 02116  
Tel.: 001 (617) 369 4900  
Fax: 001 (617) 369 4940  
E-mail: [rk-1@bost.diplo.de](mailto:rk-1@bost.diplo.de)  
Internet: [www.boston.diplo.de](http://www.boston.diplo.de)

Due to the fragile nature of diplomatic relations with the country of Germany in recent years I would like to highlight the importance of public disclosure in citing the following news articles:

<https://www.theguardian.com/us-news/2020/jul/29/us-germany-troop-withdrawal-donald-trump>

<https://www.bbc.com/news/world-europe-33106044>

As well as the fragile morale of the locality due to repeated acts of domestic terror: The field division and locality has been repeatedly the subject of news in relation to failures in enforcement and or investigation without fruition of national security matters, which has created threats to public safety which is well documented. Any necessity for surveillance and or creation of documentation of any matters related to an ally of the United States operating within the area of the city would have overwhelming public interest.

<https://oig.justice.gov/reports/2014/s1404.pdf>

'On April 15, 2013, two pressure cooker bombs placed near the finish line of the Boston Marathon detonated within seconds of each other, killing three and injuring more than two hundred people. Law enforcement officials identified brothers Tamerlan and Dzhokhar Tsarnaev as primary suspects in the bombings. After an extensive search for the then-unidentified suspects, law enforcement officials encountered Tamerlan and Dzhokhar Tsarnaev in Watertown, Massachusetts. Tamerlan Tsarnaev was shot during the encounter and was pronounced dead shortly thereafter. Dzhokhar Tsarnaev, who fled the scene, was apprehended the following day and remains in federal custody. A decade earlier, Tamerlan and Dzhokhar Tsarnaev immigrated to the United States from Kyrgyzstan with their parents Anzor Tsarnaev and Zubeidat Tsarnaeva. Anzor Tsarnaev, an ethnic Chechen, his wife Zubeidat Tsarnaeva, and their son Dzhokhar Tsarnaev arrived in the United States from Kyrgyzstan in 2002. They applied for and received an immigration benefit. The elder son, Tamerlan Tsarnaev, and his sisters, Bella and Ailina Tsarnaeva, arrived in the United States in 2003 and also received an immigration benefit. In the years that followed, all six family members became Lawful Permanent Residents of the United States. Two years before the Boston Marathon bombings, Tamerlan Tsarnaev and Zubeidat Tsarnaeva came to the attention of the Federal Bureau of Investigation (FBI) based on information received from the Russian Federal Security Service (FSB). In March 2011, the FBI received information from the FSB alleging that Tamerlan Tsarnaev and Zubeidat Tsarnaeva were adherents of radical Islam and that Tamerlan Tsarnaev was preparing to travel to Russia to join unspecified underground groups in Dagestan and Chechnya. The FBI-led Joint Terrorism Task Force in Boston (Boston JTTF) conducted an assessment of Tamerlan Tsarnaev to determine whether he posed a threat to national security and closed the assessment three months later having found no link or "nexus" to terrorism. In September 2011, the FSB provided the Central Intelligence Agency (CIA) information on Tamerlan Tsarnaev that was substantively identical to the information the FSB had provided to the FBI in March 2011. In October 2011, the CIA provided information obtained from the FSB to the the National Counterterrorism Center (NCTC) for watchlisting purposes, and to the FBI, Department of Homeland Security (DHS), and the Department of State for their information. Upon NCTC's receipt of the information, Tamerlan Tsarnaev was added to the terrorist watchlist. NOTE: This report is an unclassified summary of a 168-page classified report that was also issued today, 10 April 2014, by the Inspectors General for the Intelligence Community, Central Intelligence Agency, Department of Justice, and Department of Homeland Security. Redactions in this document are the result of classification and sensitivity designations we received from agencies and departments that provided information to the OIGs for this review. As to several of these classification and sensitivity designations, the OIGs disagreed with the bases asserted. We are requesting that the relevant entities reconsider those designations so that we can unredact those portions and make this information available to the public.'

Reference:

[https://books.google.com/books/about/The\\_Shadow\\_Factory.html?id=8zJmxWNTxrwC](https://books.google.com/books/about/The_Shadow_Factory.html?id=8zJmxWNTxrwC)

'Journalist Bamford exposed the existence of the top-secret National Security Agency in The Puzzle Palace and continued to probe into its workings in his follow-up Body of Secrets. Now Bamford discloses inside, often shocking information about the transformation of the NSA in the aftermath of the terrorist attacks of 2001. He shows how the NSA's failure to detect the presence of two of the 9/11 hijackers inside the United States led the NSA to abandon its long-held policy of spying only on enemies outside the country. Instead, after 9/11 it turned its almost limitless ability to listen in on friend and foe alike over to the Bush Administration to use as a weapon in the war on terror. Bamford details how the agency has conducted domestic surveillance without court

approval, and he frames it in the context of the NSA's ongoing hunt for information about today's elusive enemies.'

Reflecting On 9/11 In The Face Of Another National Crisis

<http://www.wbur.org/radioboston/2020/09/10/9-11-covid19-context>

Mitchell Zuckoff's Fall and Rise Recounts the Story of 9/11

<http://www.bu.edu/articles/2019/mitchell-zuckoffs-fall-and-rise-recounts-9-11/>

[https://en.wikipedia.org/wiki/American\\_Airlines\\_Flight\\_11](https://en.wikipedia.org/wiki/American_Airlines_Flight_11)

'American Airlines Flight 11 was a domestic passenger flight that was hijacked by five al-Qaeda members on September 11 in 2001, as part of the September 11 attacks. Mohamed Atta deliberately crashed the plane into the North Tower of the World Trade Center in New York City, killing all 92 people aboard and ensuring the deaths of 1,402 people at and above the aircraft's impact zone. The aircraft involved, a Boeing 767-223ER, registration N334AA,[1] was flying American Airlines' daily scheduled morning transcontinental service from Logan International Airport in Boston to Los Angeles International Airport in Los Angeles. '

<https://www.boston25news.com/news/local/19-years-later-boston-remembers-911-terrorist-attacks/TOZRI7N7MZASFEKDLK25AEARFQ/>

'BOSTON — At 8:46 a.m. on Friday, the exact moment Flight 11 struck the World Trade Center's North Tower 19 years ago, time stood still on the front lawn of the Massachusetts State House.

That's where Gov. Charlie Baker observed a moment of silence for the Sept. 11 terror attacks.

The scars of 911 are still deeply felt in Boston, the place where two of the four hijacked planes originated.'

<https://www3.bostonglobe.com/metro/specials/boston-marathon-explosions/?arc404=true>

<https://www.bostonglobe.com/metro/2013/12/15/the-fall-house-tsarnaev/lg5Q3XqtbOOQR1ZCWgB1sK/story.html>

EFOIA Request

Vaughn Index requested for any exempted materials

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

William Fernandes

View request history, see four related attachments, upload responsive documents, and report problems here:

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intelligence-odni-57%252Fboston-spycraft-108077%252F%253Femail%253DDNI-  
FOIA%252540dni.gov&url\_auth\_token=AAATa5uYHVDmZle1n6U\_kz1IxB4%3A1pKrTV%3AfCwmMiPgr  
\_MZlekHJkv1rzLrcfYdaSrciRhu8PPaNk4

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