

March 3, 2004
Mr. Richard Perry
Chief Of Staff
Office Of Senator Lindsey Graham
1429 Longworth House Office Building,
Washington, DC 20515

BY FAX: 202-225-3216

Re: Freedom of Information Act Request, Privacy Act of 1974

Mr. Perry:

Lee Kent Hempfling requests access under the Freedom of Information Act, 5 U.S.C. §552, et. seq. and the Privacy Act of 1974 to any record relating to Lee Kent Hempfling and communications between the Equal Employment Opportunity Commission, its District, Field, Area and Local offices and regional offices and any member of the staff of any United States Senator, Representative or Administrator, elected or appointed, The Federal Communications Commission, The Office of The United States Attorney General, The Office of the Governor of South Carolina, Any Executive Branch Offices, The South Carolina Human Affairs Department, The Attorney General of South Carolina, The Attorney General of North Carolina, L.M. Communications Inc., Lynn Martin, The South Carolina NAACP, The NAACP and their legal counsel and any memos, notes, emails and informations within the offices of Senator Lindsey Graham, from July 2002 through the present, regarding Lee Kent Hempfling, the Complaint Demanding A Federal Grand Jury, the EEOC charge and submitted documents by Lee Kent Hempfling, letters to and or from the office of Senator Lindsey Graham from EEOC's District, Field, Area and Local offices, letters to and or from any other person or organization and documents pertaining thereto. This request includes, but is not limited to, records maintained by the Office of the Senator and the Office of the Chief of Staff and field offices of Senator Lindsey Graham.

This request includes, but is not limited to, any and all communications regarding the correspondence of, from and to staff members of Senator Lindsey Graham.

Please search for responsive records regardless of format, medium, or physical characteristics. Records are sought of any kind, including electronic records, audiotapes, videotapes, CD's and photographs. The request includes any telephone messages, voice mail messages, email messages sent and received, daily agenda and calendars, information about scheduled meetings, whether in person or over the telephone, agendas for those meetings, participants included in those meetings, minutes of any such meetings, the topics discussed at those meetings, e-mail regarding meetings, e-mail or facsimiles sent as a result of those meetings, and transcripts and notes of any such meetings.

Should you determine that a record or portion of a record is exempt from disclosure, please black out rather than white out that information, identify and describe it, and explain your legal justification for its nondisclosure. Any reasonably segregable non-exempt portion of a record, of course, must be disclosed.

See 5 U.S.C. § 552(b) ("Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt. . ."); see also *Schiller v. National Labor Relations Board*, 964 F.2d 1205, 1209 (D.C. Cir. 1992).

It is further requested that any records relevant to this request not be destroyed. If any record responsive to this request has been destroyed, please identify it, describe its contents, and provide the justification for its destruction.

Fee Waiver Request

In accordance with 5 U.S.C. §552(a)(4)(A)(iii), and the Privacy Act of 1974, Lee Kent Hempfling requests a waiver of fees associated with processing this request for records.

The information responsive to this request will be analyzed, and such analysis will likely be shared with the public, either through memorandums or reports which are likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester as such information pertains to federal offenses and criminal allegations filed with The Department of Justice, The Federal Bureau of Investigation, The South Carolina Attorney General's Office, The North Carolina Attorney General's Office and others, the prosecution thereof being in the best interest of The United States of America. 5 U.S.C. §552(a)(4)(A)(iii). See eg., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Furthermore, under The Privacy Act of 1974 citizens have the right to see files about themselves and the right to request an amendment if the record is incomplete, untimely, irrelevant, or inaccurate. Release of this information is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

Acquisition of the requested information specifically concerns identifiable "operations or activities of the government" and the public's understanding of the subject matter in question, as compared to the level of public understanding existing prior to the disclosure of requested information will be significantly enhanced.

Under these circumstances, Lee Kent Hempfling fully satisfies the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee problems in fully releasing the requested records within the statutory period, please call me within that time period. I can be reached at (480) 332-1535.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Your prompt attention to this request is appreciated.

As the charging party I do hereby grant you permission under the Privacy Act of 1974 to release said information about me, to me.

Sincerely,
Lee Kent Hempfling
PO Box 6932
Apache Junction, AZ 85278