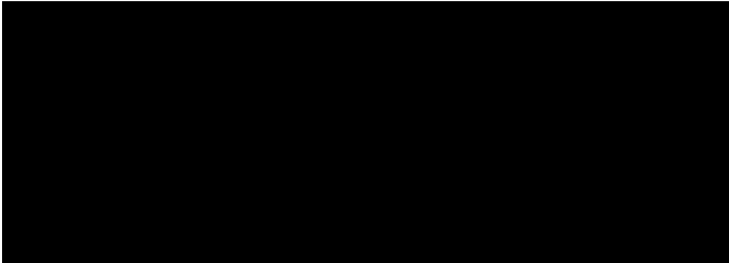


From: [Gruber, David, Mr, DoD GC](#)
To: [Ham, Patricia, COL, DoD GC](#)
Cc: [Saunders, Terri, Ms, DoD OGC](#)
Subject: FW: RESPONSE SYSTEMS PANEL
Date: Monday, July 29, 2013 3:10:57 PM
Attachments: [image.png](#)

Patty,
The link to the movie is in the e-mail below.

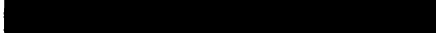
v/r
Dave

David J. Gruber



This message may contain information protected by the attorney work-product, attorney-client, deliberative process or other privilege. Do not disseminate without the approval of the Office of the General Counsel.

-----Original Message-----

From: Edward Patrick Alva 
Sent: Monday, July 22, 2013 6:35 PM
To: Gruber, David, Mr, DoD GC
Cc: Amy Ziering; Ham, Patricia, COL, DoD GC; Saunders, Terri, Ms, DoD OGC; Kirby Dick; melissa echeverry
Subject: Re: RESPONSE SYSTEMS PANEL

Hi David,

We're sending out 10 DVDs to you now via USPS Priority.

Here is the Vimeo link in the mean time:

<https://vimeo.com/69287006>

password: 

Let me know if you have any issues playing the video.

Thanks,
Ed

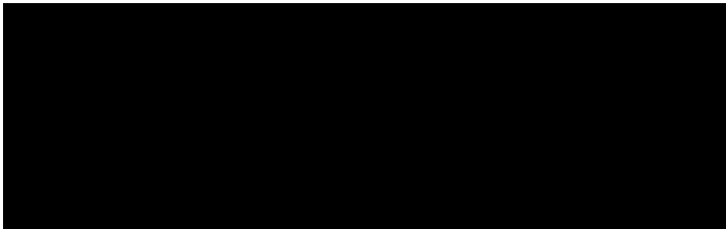
On Mon, Jul 22, 2013 at 3:00 PM, Amy Ziering  wrote:

Hi David -

Per our conversation today, we are fine with all below.
We will send you several DVDs to distribute as well as provide you with a vimeo link and password to the film.

Best,
Amy

Amy Ziering | Producer | THE INVISIBLE WAR |



www.invisiblewarmovie.com

<<https://vimeo.com/32929190>> <<https://vimeo.com/32929190>>
<<https://vimeo.com/32929190>>

On Jul 22, 2013, at 2:05 PM, Gruber, David, Mr, DoD GC wrote:

Amy,



As discussed on the phone today, advisory committees under the Federal Advisory Committee Act (FACA) must make their materials contemporaneously available for inspection and copying by the public. This requirement is to ensure compliance with both FACA and the Government in Sunshine Act - transparency in government decision making. Under section 10(b) of FACA, an agency is generally obligated to make available for public inspection and copying all materials that were made available to or prepared for or by an advisory committee. Except with respect to those materials that the agency reasonably claims to be exempt from disclosure pursuant to FOIA, a member of the public need not request disclosure in order for FACA 10(b) materials to be made available (no FOIA exemption would apply here). Thus, whenever practicable, all 10(b) materials must be available for public inspection and copying before or on the date of the advisory committee meeting to which they apply. The rules under FACA predate the prevalence of electronic media, and do not squarely address situations where a film can be digitally transmitted. In the present circumstances, we have no ability to "copy" the film, and to do so would be against the law. Accordingly, our position is that we will allow the public to come to our offices to "inspect" - i.e. view the film, but will not make copies available to them. This preserves the right of the public to know what the panel is considering in its deliberations, and also preserves to the greatest extent possible the copyright protection afforded the film.

Thanks again for your interest in the Response Systems Panel.

Sincerely,

Dave

David J. Gruber
Attorney - Staff Director