



DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253

5720 2015-004896
SER00LJF/15U0942

JUL 15 2015

Sent via email to: tprudente@capgaznews.com

Mr. Tim Prudente
The Capital Newspaper
888 Bestgate Road, Suite 104
Annapolis, MD 21401

Dear Mr. Prudente:

This further responds to your March 31, 2015 Freedom of Information Act request seeking a copy of all records and reports detailing the involvement of Rear Admiral Michael Miller with Glenn Defense Marine Asia (GDMA) as well as a copy of all records used by Navy officials to make the decision to censure Rear Admiral Miller. Reference is made to our April 6, 2015 letter to you.

Following coordination within the Navy and consultation with the Department of Justice, a partial release of responsive records is enclosed. Review of the documents reveals that they contain third party privacy and other information subject to FOIA exemption. Accordingly, we must partially deny your request and withhold this information pursuant to the FOIA provisions 5 U.S.C. § 552(b)(6), (b)(7)(C), (b)(5), (b)(7)(A), and (b)(7)(E). An explanation of various FOIA exemptions is attached.

The CDA recommendations are withheld in their entirety under 5 U.S.C. § 552(b)(5), based on the deliberative process privilege which protects candid advice prior to final agency decisions. Portions of the recommendations would also be subject to other exemptions listed above. Because investigative materials relate to open proceedings against other individuals, investigative records are withheld under 5 U.S.C. § 552(b)(7)(A). That exemption will expire upon resolution of related proceedings, and you are welcome to submit a new request for investigative records at a later date.

To the extent that there may be other responsive records not compiled for law enforcement purposes, we continue to coordinate with other components within the Department of the Navy (DON). A further response will be provided to you once coordination is completed.

I am advising you of your right to appeal the above determinations. Your appeal must be postmarked within 60 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the annotation "FOIA Appeal." Please include a copy of your original request and this partial denial letter with your appeal.

If you have any questions regarding this matter, please contact our office at (571) 305-9092 or via electronic mail at ncisfoia@navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. E. Wannamaker', with a stylized flourish at the end.

E. E. WANNAMAKER
Lieutenant, Judge Advocate
General's Corps, U.S. Navy

Encl

- (1) Released documents
- (2) Explanation of FOIA Exemptions



DEPARTMENT OF THE NAVY
NAVAL NUCLEAR PROPULSION PROGRAM
NAVAL SEA SYSTEMS COMMAND (SEA 08)
1333 ISAAC HULL AVENUE SE
WASHINGTON NAVY YARD DC 20376-8010

5800
Ser 08B-MP/0196
December 11, 2014

MEMORANDUM FOR SECRETARY OF THE NAVY

SUBJECT: Accountability Actions Relating to Glenn Defense Marine Asia (GDMA) –
USS RONALD REAGAN STRIKE GROUP (2006-2007)

References: (a) SECNAV ltr of 28 Mar 14
(b) VCNO ltr 5800 Ser N09/ of 28 Mar 14
(c) DoDI 1320.04

References (a) and (b) designated me as the consolidated disposition authority (CDA) for the above-referenced subject matter. This memorandum summarizes the CDA actions taken to date.

In the cases of VADM Michael H. Miller, USN, RADM Terry B. Kraft, USN, and RDML David R. Pimpo, USN, I recommend that (b)(5)
(b)(5) TABs A through C pertain. Further, I directed my staff to ensure that a summary of VADM Miller's and RDML Pimpo's lack of judgment in regards to their relationships with a prohibited source and foreign national be reported on the Joint Personnel Adjudication System (JPAS). I have also directed my staff to refer this matter to the Acquisition Integrity Office (AIO) for any action deemed appropriate.

(b)(7)(A)

In accordance with reference (c), any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, or any other credible information of an adverse nature, constitutes "adverse information." I have, therefore, reported all of the substantiated adverse findings concerning each of the aforementioned flag officers to the Naval Inspector General, who will maintain a record of these findings.

One of the issues raised by this matter involves the use of Bravo Zulu (BZ) messages and Letters of Appreciation concerning GDMA, and when the use of the same crosses the line between expressing a permissible "thank you" for meeting contractual

requirements and expressing an impermissible endorsement of, or preference for, GDMA. Understanding that the evidence received thus far only captures a brief snapshot of time, mainly in 2006 and 2007, [REDACTED] (b)(5)

[REDACTED] (b)(5)

[REDACTED] (b)(5)

Finally, I note, again during the stated time period of this review, attempts by Navy personnel to circumvent the Navy's oversight responsibilities over contractors. My CDA team will brief Supply Corps senior leaders on the investigation to determine any lessons learned.



J. M. RICHARDSON

Attachments:
As stated

cc:
VCNO
DJAG



THE SECRETARY OF THE NAVY

WASHINGTON, DC 20350-1000

JAN 23 2015

From: Secretary of the Navy
To: RDML David R. Pimpo, SC, USN

Subj: SECRETARIAL LETTER OF CENSURE

Ref: (a) 5 C.F.R. Part 2635
(b) U.S. Navy Regulations, 1990
(c) JAGMAN 0114a

1. In 2006 and 2007, while serving as the Supply Officer, USS RONALD REAGAN (CVN 76) which was deployed to the Seventh Fleet area of responsibility, you demonstrated very poor judgment and leadership regarding your relationship with Mr. Leonard Francis, the President of Glenn Defense Marine Asia (GDMA), a defense contractor and, therefore, a prohibited source. During deployment, you engaged in repeated inappropriate contact with Mr. Francis. This repeated and increasingly personal contact evolved into a relationship where you were repeatedly paying Mr. Francis for personal expenses at a rate far below the market value of the items and services which were provided. As a prohibited source, Mr. Francis had a clear and obvious financial incentive to subsidize the purchase of these items in an effort to develop a stronger relationship with a senior officer.

2. You repeatedly and improperly accepted gifts from a prohibited source by failing to pay their market value or return them, as required per reference (a). You paid \$1,000 total for at least three but possibly up to five ship models. The market value of each of these ship models was at least \$870.00. You attended three GDMA-hosted dinner parties. The first dinner was held on 9 February 2006 at the Jaan Restaurant in Singapore. The second and third dinners were both in Hong Kong; one on 11 June 2006 at Petrus Restaurant and the other on 10 March 2007 at Spoon Restaurant. For the February 2006 and March 2007 dinners, you paid \$50.00 for attending each of these two dinner parties. For the remaining dinner party, although it is unclear what, if anything, you paid for it, it is likely that you did not pay more than \$50.00. You stated (b)(7)(E), (b)(7)(A) that \$50.00 was a reasonable amount to pay because you were not savvy enough to know the difference between a \$50.00 dinner and a \$500.00 dinner, or words to that effect. The market value of each lavish dinner party was considerably more than \$50.00 per person. For example, the total cost of one of the dinners was approximately \$23,061.50, which equates to \$768.72 per attendee.

Subj: SECRETARIAL LETTER OF CENSURE

As a Supply Officer with 20 years of service at the time, you knew or should have known that \$50.00 per person was not the market value of these extravagant dinner parties.

3. You also accepted sightseeing and shopping tour services from GDMA for (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) of select senior officers on or about 9 June 2006 while in Hong Kong. You also twice solicited and accepted the improper gift of lodging reservation services in Hong Kong from GDMA; once for yourself, (b)(6), (b)(7)(C) and select senior officers (b)(6), (b)(7)(C) in May 2006, and on a second occasion for yourself and select senior officers on or about 22 February 2007 through on or about 10 March 2007. These services fell outside the scope of GDMA's contract with the Navy and were provided at no charge to you. As Supply Officer, you knew or should have known the contractual obligations and limitations of GDMA vis-à-vis the Navy. Nevertheless, you used your relationship with Mr. Francis to secure tour services and hotel rooms for the benefit of yourself and senior Carrier Strike Group SEVEN (COMCARSTRKGRU SEVEN) leadership.

(b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A) The COMCARSTRKGRU SEVEN (b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A) indicating that he does not specifically remember discussing these matters at the time and that, if he did discuss them, based on the description of the events which were provided to the COMCARSTRKGRU SEVEN (b)(7)(E), (b)(7)(A) by the investigators, he does not believe that those seeking a legal opinion fully disclosed the relevant facts. (b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A) the former RONALD REAGAN (b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A) He stated that he did not opine that you could legally engage in the described conduct. Furthermore, the former RONALD REAGAN (b)(7)(E), (b)(7)(A) stated that since he was not a designated (b)(7)(E), (b)(7)(A), he knew that only the COMCARSTRKGRU SEVEN (b)(7)(E), (b)(7)(A) could have issued such legal opinions. Based on the materials in the record concerning you, there are no exceptions to the acceptance of these gifts which are applicable to you in accordance with reference (a).

5. Reference (a) makes clear that notwithstanding any exception that might have applied to you, gifts from the same or different sources on a basis so frequent that a reasonable person would be

Subj: SECRETARIAL LETTER OF CENSURE

led to believe that you were using your public office for private gain shall not be accepted. Given the frequency of the gifts which you received from Mr. Francis, your actions would have led a reasonable person with knowledge of the relevant facts to believe that you used your public office for private gain.

6. Furthermore, you permitted Mr. Francis to use your position as the RONALD REAGAN Supply Officer to promote the business interests of GDMA by coordinating with him the issuance of inappropriate Bravo Zulu messages on behalf of GDMA, and agreeing with Mr. Francis to conceal the true nature of a dinner party from the Hong Kong Ship Support Office, which Mr. Francis considered to be critical of his company. The timing of these official acts by you occurring after the acceptance of prohibited gifts, at least, created the appearance that Mr. Francis was influencing the performance of your official duties.

7. In matters of personal behavior, you were responsible to set the ethical and moral tone for your subordinates, per reference (b). Your improper acceptance of gifts as well as your inappropriately familiar and increasingly supportive relationship with Mr. Francis and GDMA were unsatisfactory. Your conduct constituted a significant deviation from the standards expected of all naval officers.

8. Your conduct during this period was contrary to the Standards of Ethical Conduct for Employees of the Executive Branch and U.S. Navy Regulations, references (a) and (b); standards which you had a duty to know and obey.

9. You are, therefore, administratively censured for your leadership failure. A copy of this letter will be placed in your official service record in accordance with reference (c).

10. Within 15 days of receipt of this letter, you may forward a rebuttal, consistent with reference (c), for inclusion in your official record, if you so desire.


Ray Mabus

Copy to:
CDA
CNP



THE SECRETARY OF THE NAVY

WASHINGTON, DC 20350-1000

JAN 23 2015

From: Secretary of the Navy
To: RADM Michael H. Miller, USN
Subj: SECRETARIAL LETTER OF CENSURE

Ref: (a) 5 C.F.R. Part 2635
(b) DoD 5500.07-R (JER)
(c) U.S. Navy Regulations, 1990
(d) JAGMAN 0114a

1. In 2006, while serving as Commander, Carrier Strike Group SEVEN (COMCARSTRKGRU SEVEN), which was embarked in USS RONALD REAGAN (CVN 76) and deployed to the Seventh Fleet area of responsibility, you demonstrated very poor judgment and leadership regarding your relationship with Mr. Leonard Francis, the President of Glenn Defense Marine Asia (GDMA), a defense contractor and, therefore, a prohibited source. Prior to the deployment, you initiated e-mail contact with Mr. Francis, indicating that you looked forward to renewing your friendship. This contact began as a request for a shopping recommendation regarding the purchase of personal items. During deployment, you engaged in repeated inappropriate contact with Mr. Francis. This repeated and increasingly personal contact evolved into a relationship where you were repeatedly paying Mr. Francis for personal expenses at a rate far below the market value of the items and services which were provided. As a prohibited source, Mr. Francis had a clear and obvious financial incentive to subsidize the purchase of these items in an effort to develop a stronger relationship with a senior flag officer.

2. You repeatedly and improperly accepted gifts from a prohibited source by failing to pay their market value or return them, as required per reference (a). You received a ship model of RONALD REAGAN. The market value of the ship model was at least \$870.00, for which you reimbursed Mr. Francis only \$500.00. You attended three dinner parties. The first dinner was held on 9 February 2006 at the Jaan Restaurant in Singapore; the second dinner was held on 4 June 2006 at the Suisse Chalet Restaurant in Kuala Lumpur, Malaysia; and the third was held in Hong Kong at Petrus Restaurant on 11 June 2006. You paid \$50.00 for attending the GDMA-hosted dinner in Singapore. On 5 June 2006, you signed a personal check for \$1,650.00, which you

Subj: SECRETARIAL LETTER OF CENSURE

explained was to pay, on behalf of yourself and others, \$50.00 per person for the other two GDMA-hosted dinner parties. According to your check registry, you also signed a check on the same day for \$1,200.00 for a "CHAIR+DINNER+CIGARS," but you did not recall to which dinner this check referenced or how much of this amount was associated with compensation for a dinner. However, even viewing the facts in the most favorable light to you by assuming that the entire \$1,200.00 was intended to pay for you and others who attended the GDMA-hosted dinner parties in Malaysia and Hong Kong, the amount was inadequate and still resulted in a gift from a prohibited source. The market value of each lavish dinner party was considerably more than \$50.00 per person. For example, the total cost of one of the dinners was approximately \$23,061.50, which equates to \$768.72 per person. Further, you stated to federal investigators that paying \$50.00 per person for each of the three dinner parties would have fully compensated Mr. Francis, or words to that effect. As a flag officer with over thirty years of naval service at the time, you knew or should have known that \$50.00 per person was not the market value for these extravagant dinner parties.

(b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A) The COMCARSTRKGRU SEVEN (b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A) indicating that he does not specifically remember discussing these matters at the time and that, if he did discuss them, based on the description of the events which were provided to the COMCARSTRKGRU SEVEN (b)(7)(E), (b)(7)(A) by the investigators, he does not believe that those seeking a legal opinion fully disclosed the relevant facts. (b)(7)(E), (b)(7)(A)

the former RONALD REAGAN (b)(7)(E), (b)(7)(A) stated that he did not opine that the Commanding Officer of RONALD REAGAN could legally engage in the described conduct. Furthermore, the former RONALD REAGAN (b)(7)(E), (b)(7)(A) stated that since he was not a designated (b)(7)(E), (b)(7)(A) he knew that only the COMCARSTRKGRU SEVEN (b)(7)(E), (b)(7)(A) could have issued such legal opinions. Based on the materials in the record concerning you, there are

Subj: SECRETARIAL LETTER OF CENSURE

no exceptions to the acceptance of these gifts which are applicable to you in accordance with reference (a).

4. Reference (a) makes clear that notwithstanding any exception that might have applied to you, gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe that you were using your public office for private gain shall not be accepted. Given the frequency of the gifts you received from Mr. Francis, especially as two of the dinners occurred on dates that were only a week apart, your actions would have led a reasonable person with knowledge of the relevant facts to believe that you used your public office for private gain.

5. In addition to improperly accepting gifts from a prohibited source, you solicited a gift from a prohibited source, in violation of the ethics regulations, when you asked Mr. Francis to arrange a dinner party in Hong Kong for 11 June 2006.

6. You further exercised poor judgment by improperly expressing in your official capacity your opinion that GDMA was a superior contractor to its competitors, which is prohibited by references (a) and (b). This display of poor judgment was aggravated by the fact that you issued these endorsements within days after the extravagant GDMA-hosted dinners that you attended.

7. In matters of personal behavior, you were responsible to set the ethical and moral tone for your subordinates, per reference (c). Your improper acceptance of gifts as well as your inappropriately familiar and increasingly supportive relationship with Mr. Francis, a prohibited source, were unsatisfactory and cultivated an unacceptable sub-par ethical climate within your command. Your conduct constituted a significant deviation from the standards expected of all naval officers, particularly those entrusted with command.

8. Your conduct during this period was contrary to the Standards of Ethical Conduct for Employees of the Executive Branch, the Joint Ethics Regulation, and U.S. Navy Regulations, references (a), (b), and (c); standards which you had a duty to know and obey.

9. You are, therefore, administratively censured for your leadership failure. A copy of this letter will be placed in your official service record in accordance with reference (d).

Subj: SECRETARIAL LETTER OF CENSURE

10. Within 15 days of receipt of this letter, you may forward a rebuttal, consistent with reference (d), for inclusion in your official record, if you so desire.



Ray Mabus

Copy to:
CDA
CNP



THE SECRETARY OF THE NAVY

WASHINGTON, DC 20350-1000

JAN 23 2015

From: Secretary of the Navy
To: RADM Terry B. Kraft, USN
Subj: SECRETARIAL LETTER OF CENSURE

Ref: (a) 5 C.F.R. Part 2635
(b) DoD 5500.07-R (JER)
(c) U.S. Navy Regulations, 1990
(d) JAGMAN 0114a

1. In 2006 and 2007, while serving as Commanding Officer, USS RONALD REAGAN (CVN 76) which was deployed to the Seventh Fleet area of responsibility, you demonstrated very poor judgment and leadership by repeatedly accepting gifts from Mr. Leonard Francis, the President of Glenn Defense Marine Asia (GDMA), a defense contractor and, therefore, a prohibited source. You improperly accepted gifts from a prohibited source by repeatedly paying Mr. Francis for extravagant dinners at a rate far below their market value. As a prohibited source, Mr. Francis had a clear and obvious financial incentive to subsidize the purchase of these items in an effort to develop a stronger relationship with a senior officer.

2. You attended four GDMA-hosted dinner parties. The first dinner was held on 9 February 2006 at the Jaan Restaurant in Singapore; the second dinner was held on 4 June 2006 at the Suisse Chalet Restaurant in Kuala Lumpur, Malaysia. The third and fourth dinners were both in Hong Kong; one on 11 June 2006 at Petrus Restaurant and the other on 10 March 2007 at Spoon Restaurant. By your own admission, you paid \$70.00 for each of these dinners. The market value of each lavish dinner party was considerably more than \$70.00 per person. For example, the total cost of one of the dinners was approximately \$23,061.50, which equates to \$768.72 per attendee. Further, you stated to federal investigators that \$70.00 was a reasonable amount to pay, or words to that effect. As a senior officer with over 25 years of service at the time, you knew or should have known that \$70.00 per person was not the market value of these extravagant dinner parties.

(b)(7)(E), (b)(7)(A)

Subj: SECRETARIAL LETTER OF CENSURE

(b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A) You claimed that both the Carrier Strike Group SEVEN (COMCARSTRKGRU SEVEN) and RONALD REAGAN (b)(7)(E), (b)(7)(A) (b)(7)(C) had to approve attendance at off-ship dinners and that you had received specific guidance from your RONALD REAGAN (b)(7)(E), (b)(7)(A) that you could attend all four dinners. You additionally claimed that the RONALD REAGAN (b)(7)(E), (b)(7)(A) also spoke to the (b)(7)(E), (b)(7)(A) and that they determined that the cost of each of the four dinners should be around \$70.00. (b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A)

The COMCARSTRKGRU SEVEN (b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A)

(b)(7)(E), (b)(7)(A) does not specifically remember discussing these matters at the time and that, if he did discuss them, based on the description of the events which were provided to the COMCARSTRKGRU SEVEN (b)(7)(E), (b)(7)(A) by the investigators, he does not believe that those seeking a legal opinion fully disclosed the relevant facts. (b)(7)(E), (b)(7)(A)

your former RONALD REAGAN (b)(7)(E), (b)(7)(A) stated that he did not opine that you could legally engage in the described conduct. Furthermore, your former (b)(7)(E), (b)(7)(A) stated that since he was not a designated (b)(7)(E), (b)(7)(A) he knew that only the COMCARSTRKGRU SEVEN (b)(7)(E), (b)(7)(A) would have issued such legal opinions. Based on the materials in the record concerning you, there are no exceptions to the acceptance of these gifts which are applicable to you in accordance with reference (a).

4. Reference (a) makes clear that notwithstanding any exception that might have applied to you, gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe that you were using your public office for private gain shall not be accepted. Given the frequency of the gifts which you received from Mr. Francis, especially as two of the dinners occurred on dates that were only a week apart, your actions would have led a reasonable person with knowledge of the relevant facts to believe that you used your public office for private gain.

5. You further exercised poor judgment by issuing an official Bravo Zulu (BZ) message that described GDMA as the best in the world and unrivaled in the delivery of customer service, which is prohibited by references (a) and (b). The lack of judgment in issuing the BZ message was aggravated by the fact that you

Subj: SECRETARIAL LETTER OF CENSURE

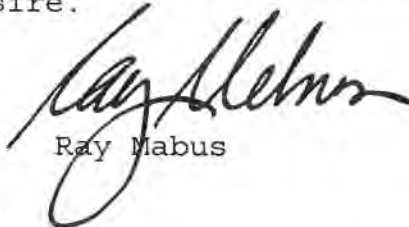
distributed the endorsement within days of attending one of the extravagant GDMA-hosted dinners.

6. In matters of personal behavior, you were responsible to set the ethical and moral tone for your subordinates, per reference (c). Your improper acceptance of gifts from a prohibited source set an unsatisfactory ethical tone. As such, your conduct constituted a significant deviation from the standards expected of all naval officers, particularly those entrusted with command.

7. Your conduct during this period was contrary to the Standards of Ethical Conduct for Employees of the Executive Branch, the Joint Ethics Regulation, and U.S. Navy Regulations, references (a), (b), and (c); standards which you had a duty to know and obey.

8. You are, therefore, administratively censured for your leadership failure. A copy of this letter will be placed in your official service record in accordance with reference (d).

9. Within 15 days of receipt of this letter, you may forward a rebuttal, consistent with reference (d), for inclusion in your official record, if you so desire.



Ray Mabius

Copy to:
CDA
CNP



Explanation of FOIA/PA Exemptions

Subsections of Title 5, United States Code, Section 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

Subsections of Title 15, United States Code, Section 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.