



Smithsonian Institution

Office of General Counsel

Via US Mail

April 26, 2006

Fred von Lohmann, Esq.
Electronic Frontier Foundation (EFF)
454 Shotwell Street
San Francisco, CA 94110

Dear Mr. von Lohmann:

The Smithsonian Institution has received your letter, dated April 11, 2006, in which you request under the Freedom of Information Act (FOIA) documents pertaining to the recently announced agreement between the Smithsonian Institution and Showtime Networks. The Smithsonian Institution has also received your second letter, dated April 24, 2006, asking for a response to your first letter. Thank you for following up.

The Smithsonian is not subject to the Freedom of Information Act. See Dong v. Smithsonian Institution, 125 F.3d 877 (D.C. Cir. 1998), *cert. denied*, 524 U.S. 922 (1998). The Smithsonian Institution provides information to the public in keeping with the mandate to "increase and diffuse knowledge." See 20 U.S.C. §§ 41 *et seq.* Your request will be handled in that context. The Smithsonian Institution adheres to the principles of the FOIA and relevant case law when answering requests.

The Smithsonian Institution makes every effort to provide a response within a reasonable time taking, taking account of the scope and depth of each request. We will contact you again when we have further information.

Best wishes,

A handwritten signature in black ink, appearing to read "Annette Faucher".

Annette Faucher

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