

JEFFREY T. RICHELSON

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March 3, 1988

F88-265

Ms. Brenda Reger  
National Security Council  
375 Old Executive Office Building  
Washington, D.C. 20506

Dear Ms. Reger

This is a request under the Freedom of Information Act as amended (5 U.S.C. 522).

I write to request copies of:

Presidential Review Memoranda 21, 22, 23, 24 and 25.

The FOIA provides that if only portions of a record are exempted from release, the remainder must be released. I therefore request that I be provided with all nonexempt portions which are reasonably segregable. I particularly request that it be kept in mind that there may exist reasonably segregable portions of classified paragraphs. I also request that any presently classified material be considered for declassification.

To permit an intelligent, informed decision whether or not to file an administrative appeal of any denial decision, I also request that you describe withheld records (or portions thereof) and explain the logical and factual basis for exemption claims. See Mead Data v. Department of the Air Force 566 F.2d 242, 251 (D.C. Cir., 1977).

I also request a fee waiver. The fee waiver provisions under section 552 (a) (4) (A) of the FOIA were recently amended by the Freedom of Information Reform Act. The Reform Act's fee provisions became effective on April 25, 1987 and rewrote section 552 (a) (4) (A) to create categories of requesters entitled to fee waivers. Pub.L. 99-570, Sec. 1803, 1804. One category consists of "educational or noncommercial scientific institution (s) whose purpose is scholarly or scientific research" and another consists of representatives of the "news media." 5 U.S.C. 552 (a) (4) (A) (ii) (II). Requesters in these groups receive an automatic fee waiver of all search and review fees, irrespective of the nature or contents of the documents requested. They can be charged standard duplication costs (in excess of the first one hundred copied pages), but these charges may also be waived under certain circumstances.

I request a fee waiver on two grounds. First, I qualify for the "news media" exemption as a result of my published works - The U.S. Intelligence Community (Ballinger, 1985); Sword and Shield: The Soviet Intelligence and Security Apparatus (Ballinger, 1986); American Espionage and the Soviet Target (Morrow, 1987) and Foreign Intelligence Organizations. The documents I request are intended to further public knowledge and understanding of activities in the area of national security.

In addition, copies of all documents I obtain will be provided to the National Security Archive, a nonprofit public interest institute and library located in Washington, D.C. The Archive is organized and operated as a division of The Fund for Peace, Inc. a nonprofit corporation that is exempt from federal income tax under section 501 (c) (3) of the Internal Revenue Code, and has been acknowledged by the Internal Revenue Service since November 19, 1962 to be "organized and operated exclusively for education purposes." I will be assisting the Archive organize such documents into document sets.

Documents at the Archive are available for inspection and copying by scholars, journalists, members of Congress and Congressional staffs, present and former public officials, other public interest organizations, and the general public at the Archive's Washington office. In addition, information in the documents will be disseminated across the country through distribution of document sets, including comprehensive document indices to university and other research libraries through the Archive's publications.

I therefore request that you waive all search and reproduction fees pursuant to section 552 (a) (4) (A) as amended. If you determine that I do not qualify for a fee waiver on either of the two grounds specified above, my request would also qualify for favored treatment under the "all other requesters" category because it is likely to contribute significantly to public understanding of the operations and activities of the government. For example, my book The U.S. Intelligence Community is used in numerous university courses throughout the U.S. (including at the Air Force Academy) as well as being used by newspaper reporters as a reference guide to the U.S. intelligence community.

Should you decline to waive all fees, please inform me before fees exceed \$25.

In order to expedite the release of the listed documents, I request that you disclose them as they become available to you, without waiting until all the documents have been assembled. If you have any questions that I might be able to answer regarding the identity of the records, their location, or the scope of the request, please call me at [REDACTED]

I look forward to receiving your response in the statutory time period. Please direct your response to me c/o National Security Archive, 1755 Massachusetts Avenue N.W., Suite 500, Washington, D.C. 20036.

Sincerely,

  
Jeffrey Richelson