

THE NATIONAL SECURITY ARCHIVE

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IN ALL CORRESPONDENCE PLEASE REFER
TO ARCHIVE FILE NO. *P90321 C/A021*John H. Wright
Information & Privacy Coordinator
Office of Information Services
Central Intelligence Agency
Washington, DC 20505**JUL 11 1989**

RE: Freedom of Information Act Request

IPD Registry
F90-0899

Dear Mr. Wright:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, et seq. (as amended), I hereby request disclosure of the documents described on the last page of this letter for inspection and possible copying. This request does not extend to "operational" files, as defined at 50 U.S.C. Section 431(b), except to the extent that such files are subject to search and review under the provisions of 50 U.S.C. Section 431(d). Should you determine that the only Agency documents responsive to this request would, in your opinion, be contained in "operational" files, I specifically request that you advise me of that determination.

If you regard any of these documents as exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. In this connection I note that you are required under the FOIA to release any reasonably segregable nonexempt portions of documents containing information you regard as exempt. Section 552(b). To permit an intelligent, informed decision whether or not to file an administrative appeal of any denial decision, you are also requested to describe withheld records (or portions thereof) and explain the logical and factual basis for exemption claims. See Mead Data Central, Inc. v. Department of the Air Force, 566 F.2d 242, 251 (D.C. Cir., 1977).

This request is made on behalf of the National Security Archive, a nonprofit public interest research 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 educational purposes."

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 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 in certain circumstances.

APPROVED FOR RELEASE
DATE: MAR 2003JUL 19 1989
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On May 11, 1987 the Archive submitted a comprehensive memorandum to your agency providing documentation under penalty of perjury which establishes that the Archive is entitled to fee waivers under the categories of educational or noncommercial scientific institutions and representatives of the news media within the meaning of the Reform Act. To summarize, the Archive's purpose is to enrich public policy debate by making available records pertaining to important, mostly contemporary issues of major public concern in the areas of foreign, defense, intelligence, and international economic policy.

Documents obtained by the Archive, including the records requested in this letter, are carefully analyzed, indexed and organized into document sets in the Archive's collection. Document sets 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 comprehensive document indices to university and other research libraries and through the Archive's publications.

As a staff member of the Archive, I have been assigned to conduct research on the subject of this request. I am working as part of a research team which includes experts on this subject with a wide variety of educational and professional backgrounds relating to foreign affairs, defense, intelligence and international economic policy. The qualifications of various Archive staff members are detailed in the May 11, 1987 memorandum forwarded to your agency. Members of the team have conducted an extensive literature search at the Library of Congress and specialized research libraries and have determined that the requested materials are necessary to our research.

I therefore request that you waive all search and reproduction fees pursuant to section 552(a)(4)(A), as amended. If you determine that the Archive does not fall within one of the two categories of requesters described above, this request would also qualify for favored treatment under the "all other requesters" category because disclosure of the information in the requested documents is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Archive within the meaning of the Reform Act. See 5 U.S.C. 552(a)(4)(A)(iii). Should you decline to waive all fees, however, we are prepared to pay you normal search fees (and reproduction fees, if I decide to copy the records produced). Our willingness to pay fees is subject to our rights to appeal and litigate the fee waiver question, and payment would be deferred until exhaustion of such rights. I further ask that if you decline to waive fees that you set forth your reasons for doing so in writing and that you obtain our authorization before incurring search costs in excess of \$100.

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. I look forward to receiving your response within the statutory time period.

Yours very truly,


Peter Kornbluh

attachment

Sequence Number: 890321CIA021
Date of Request: 07/11/1989
NSA Record Number: 5143

Subject of Request:

All documents, including but not limited to: 1) Memcons, memoranda, messages and notes concerning communications in February 1984 between the CIA and DOD on obtaining PLO arms from Israel for the Contras. 2) All Cables, memoranda and reports concerning Operation Tipped Kettle II.

Note: These issues are referred to in Paragraph 1 of the U.S. government Stipulation of Facts entered in the Oliver North Trial. See Attached.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)
)
 v.)
)
 OLIVER L. NORTH,)
)
 Defendant.)
 _____)

Criminal No. 88-0080 -
02 - GAG

You are instructed that the United States has admitted for purposes of this trial the following facts to be true:

1. In 1983, DCI Casey asked Secretary of Defense Weinberger if the Department of Defense ("DoD") could obtain infantry weapons that Israel had confiscated from PLO forces. Following discussions between Major General Meron of Israel and Retired Major General Richard Secord of the United States government ("USG"), Israel secretly provided several hundred tons of weapons to the DoD on a grant basis in May 1983. This was known as Operation TIPPED KETTLE. In February 1984, the CIA again asked DoD if it could obtain additional PLO weapons from Israel at little or no cost for CIA operational use. After negotiations between March 1984 and July 1984, Israel secretly provided the additional weapons to DoD in Operation TIPPED KETTLE II. The DoD then transferred the weapons to the CIA. Although CIA advised Congress that the weapons would be used for various purposes, in fact many of