

January 12, 2004

Office of the General Counsel,
National Geospatial Intelligence Agency,
(NGA/GCM), Mail Stop D-10
4600 Sangamore Road
Bethesda, MD. 20816

Dear

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

Establishment of COMIREX NRT Working Group (1972). COMIREX-D-13.7/16A.

Report for USIB on Community Planning for Advanced System (COMIREX-D-13.7/33A), 1975.

Advanced Exploitation Concepts, COMIREX-D-13.7/21C, October 9, 1973.

Plan for Security Handling of Advanced System Products, COMIREX-D-3.5/A, 20 October 1975.

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 present classified material be considered for declassification.

To permit an intelligent, informed decision as to whether or not to file an administrative appeal of any denial decision, I also request that you describe in detail the 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, as amended on April 25, 1987, rewrote section 552 (a) (4) (A) to create categories of requesters entitled to fee waivers. Under those provisions, I qualify for

exemption from fees in the "news media" category. In a recent decision, the U.S. Court of Appeals for the D.C. circuit unanimously held that for FOIA fee waiver purposes "representatives of the news media" includes any individuals who regularly publish or disseminate information to the public. (See National Security Archive v. U.S. Department of Defense, No. 88-5217, D.C. Circuit, July 28, 1989, as well as Electronic Privacy Information Center v. U.S. Department of Defense No. 02-1233, United States District Court for the District of Columbia, January 16, 2003).

I easily meet this criteria as a result of my books and articles, which have appeared in a wide variety of publications. (A vita is available upon request). My books include *The Wizards of Langley: Inside the CIA's Directorate of Science and Technology* (Westview 2001); *America's Space Sentinels: DSP Satellites and National Security* (University Press of Kansas, 1999); *The U.S. Intelligence Community* (Westview, 4th ed. 1999); *A Century of Spies: Intelligence in the Twentieth Century* (Oxford, 1995); *America's Secret Eyes in Space* (Harper & Row, 1990), and *American Espionage and the Soviet Target* (Morrow, 1987).

My articles and commentaries have appeared in *Scientific American*, *Air Force Magazine*, *Bulletin of the Atomic Scientists*, *Jane's Intelligence Review*, *International Journal of Intelligence and Counterintelligence*, *ISR Journal*, *Armed Forces Journal International*, *Defense Week*, *The National Interest*, *the Washington Post*, *the Los Angeles Times*, *the Boston Globe*, and *Newsday*.

My intended use of the material requested above, in light of my extensive publication record, clearly meets the criteria established by statute and case law for preferred fee status under the FOIA as a representative of the news media. As such a representative I am entitled to have search and review fees waived. And given the contribution of my work to enhancing public understanding of the government operations I request that you also waive reproduction fees.

I look forward to your response within the statutory time period. If you have any questions about this request or any other matters, please contact me at

Sincerely,