

THE NATIONAL SECURITY ARCHIVE

SUITE 500 1755 MASSACHUSETTS AVENUE, N.W. WASHINGTON, D.C. 20036 (202) 797-0882

IN ALL CORRESPONDENCE PLEASE REFER
TO ARCHIVE FILE NO. 890212CIA008

May 15, 1989

Mr. Lee S. Strickland
Information and Privacy Coordinator
Office of Information Services
Central Intelligence Agency
Washington, D.C. 20505

RE: Freedom of Information Act Request

Dear Mr. Strickland,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, et seq. (as amended), I hereby request disclosure of the records described on the last page of this letter for inspection and possible copying.

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 2003

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.

The subject of this request relates to a policy issue where the Archive has demonstrated both an intent and an ability to disseminate widely information from government records. The Archive has been documenting what became known as the "Iran-Contra affair" since the summer of 1986 when the House Foreign Affairs and the Senate Foreign Relations Committees requested assistance for documentary information on U.S. policy toward Central America, especially U.S. support for the Contras. At that point, the Archive began to systematically collect documents on this issue. In the wake of the Attorney General's revelations about the full scope of the affair in November, 1986, the Archive compiled a detailed chronology of events which Warner Books published in 1987, under the title The Chronology: The Documented Day-by-Day Account of the Secret Military Assistance to Iran and the Contras. This chronology, several dozen subsequent publications by the Archive's analysts, and hundreds of radio and television interviews, have disseminated information on the documentary record to thousands of readers, listeners, and viewers. To streamline public access to its document collection on Iran-Contra, the Archive is indexing all the proper names and major transactions to allow for instant computerized retrieval. Eventually, this collection will be published in a thoroughly indexed set and distributed to university and research libraries in the United States and overseas.

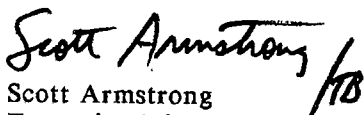
Since 1986, the Archive has also serviced literally thousands of requests from journalists, scholars, students, Congressional committees and Executive Branch officials seeking documentation and assistance in tracking the Iran-Contra affair. Most notably, in early 1987, the newly-formed Office of Independent Counsel requested substantial background information from the Archive on events and individuals connected to its investigation, and received an electronic copy of the Archive's Iran-Contra database. Demand for Archive services continues on a daily basis from Congress, the media, scholars, and the general public, including recent special requests for packages of specific documents from the Senate Foreign Relations Committee and the House Intelligence Committee. In addition, such authors as Ben Bradlee, Jr., David Martin, John Walcott, and Steve Emerson made extensive use of the Archive's collection when they researched their recent books on subjects related to Iran-Contra. To facilitate public access to this collection, the Archive's reading room is open to the public without charge. Copies of documents are readily available at cost, 10 cents a page.

Release of the requested material will enable the Archive to continue its mission of collecting, analyzing, and disseminating information on U.S. government activities. 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.

If you have any questions that I might be able to answer regarding this request, please call me. I look forward to receiving your response within the statutory time period.

Yours very truly,


Scott Armstrong
Executive Director

FOIA Sequence Number: 890212CIA008
Date of Request: 05/15/1989
NSA Record Number: 4709

Subject of Request:

1) All lists, inventories, control sheets, transmittal sheets, and indexes, whether prepared by the government or the Independent Counsel, of classified, declassified, or redacted documents relating to the investigation or prosecution of Oliver North, the Iran/Contra Congressional investigation, and/or the President's Special Review Board (Tower Commission).

2) All subpoenas or requests for such documents, whether prepared by the Government, the Independent Counsel, or a defendant.

We would be happy to discuss mutually acceptable arrangements for expediting this request. If you have any questions, please call me at 797-0882.

