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THE NATIONAL SECURITY ARCHIVE

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IN ALL CORRESPONDENCE PLEASE REFER
TO ARCHIVE FILE NO. **910451CIA081**

John H. Wright
Information & Privacy Coordinator
Office of Information Services
Central Intelligence Agency
Washington, DC 20505

JUL 08 1991

RE: Freedom of Information Act Request

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 tax-exempt nonprofit corporation. The Archive's purpose is to enrich public policy debate by making available records pertaining to important 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 and published. 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. Information in the documents is 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. 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 further ask that you waive all fees in connection with this request. In National Security Archive v. U.S. Department of Defense, 880 F.2d 1381 (D.C. Cir. 1989), cert. denied March 19, 1990, the D.C. Circuit held that the Archive is entitled to a waiver of all search and review fees under the FOIA as a "representative of the news media". Id. at 1387. The appeals court also determined that Archive requests made in furtherance of its publication and related activities are not for a "commercial use." Id. at 1388.

This request also qualifies for a waiver of duplication fees because disclosure of the information in the requested documents is in the public interest as it is likely to contribute significantly to public understanding of the operations or activities of the government. See 5 U.S.C. Section 552(a)(4)(A)(iii). Should you decline to waive or reduce all duplication fees, we are prepared to pay normal reproduction costs if I decided to copy the records produced. Our willingness to pay such fees is subject to our rights to appeal and litigate the fee waiver question. I further ask that if you decline to waive duplication fees that you set forth your specific reasons for doing so in writing and that you obtain our authorization before incurring costs in excess of \$100.

In order to expedite the release of the listed documents, I request that you disclose them on an interim basis 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 the number listed above. I look forward to receiving your response within the ten-day statutory time period.

Yours very truly,



David Bearce

FOIA Sequence Number: 910451CIA081
Date of Request: 07/08/1991
NSA Record Number: 7432

Subject of Request:

All documents including but not limited to cables, memoranda, reports, letters and intelligence reports from 1983 through 1985 regarding:

1. a late 1983 ceasefire between the government of Iraq and Kurdish rebels, and subsequent talks between the government and Jelial Talibani, leader of the Patriotic Union of Kurdistan (PUK).
2. the Democratic Party of Kurdistan's support of Iran in the Iran-Iraq war.
3. the March 1984 executions of 16 Kurds in Iraq.
4. the failure of a ceasefire between the government of Iraq and the Patriotic Union of Kurdistan and the outbreak of fighting between PUK guerillas and the government in January 1985.

NOTE: This request merits a waiver of fees because any documents yielded by it will contribute significantly to public understanding of U.S. government operations and activities in the Persian Gulf region and will be published in an upcoming document set on the Persian Gulf. As a representative of the news media, I agree to pay any legally assessable copying costs.