



UNITED STATES SPECIAL OPERATIONS COMMAND

OFFICE OF THE CHIEF OF STAFF
7701 TAMPA POINT BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33821-5323

JUL - 6 2007

Mr. Richard Lardner
Military Affairs Reporter
The Tampa Tribune

(b)(6)

Dear Mr. Lardner:

This is in response to your Freedom of Information Act (FOIA) request to the United States Army Special Operations Command (USASOC FOIA request number 06-55(J). USASOC referred your request to this command on December 1, 2006. We assigned your request United States Special Operations Command FOIA request control number 2007-076.

The release of information regarding the logo and emblem is classified and is denied pursuant to 5 USC 552 (b)(1).

You have a right to appeal the decision to deny your request. To do so, contact the Office of Freedom of Information (OFOI) in writing within 60 days of the date of this letter. Their address is OFOI, 1155 Defense Pentagon, Room 2C757, Washington, DC 20301-1155

There is no charge to you for processing this request.

Sincerely,

(b)(6)

Thomas D. Waldhauser
Brigadier General, U.S. Marine Corps
Chief of Staff



Proven • Vigilant • Prepared
In the past today for the future

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No: 07-A-2335-A1

ACTION ASSIGNED TO _____ TEAM: A B C PMB REVIEWER DH CARD
 TYPE REQUEST: Appeal Commercial Educational News/Media NonCom/Scientific Other
 EXPEDITED RESPONSE REQUESTED _____ GRANT? Y N DCII CHECK _____
 UP-FRONT DOCUMENT SEARCH _____ FEE WAIVER REQUESTED _____ DATE RECEIVED: _____
 REMARKS:

CLOSED WITHDRAWN

(ASBCA) Armed Services Board of Contract Appeals
(AT&L) Acquisition, Technology, & Logistics
(A&T) Acquisition & Technology
(DAU) Defense Acquisition University
(DPAP) Defense Procurement & Acquisition Policy
(DARC) Defense Acquisition Regulation Council
(PSA) Portfolio Systems Acquisition
(TC) Treaty Compliance
(SBP) Small Business Programs
(BT) Business Transformation
(BTA) Business Transformation Agency
(DDR&E) Defense Research and Engineering
(AS&C) Advanced Systems & Concepts
(DARPA) Defense Advanced Research Projects Agency
(DMEA) Defense Micro Electronics Activity
(DSB) Defense Science Board
(I&E) Installations & Environment
(ECOADJ) Economic Adjustment
(L&MR) Logistics & Material Readiness
(IC) International Cooperation
(MDA) Missile Defense Agency
(NCB) Nuclear, Chemical, & Biological Defense Programs
(SPPGMS) Special Programs
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)
(COMP) Comptroller
(PA&E) Program Analysis & Evaluation
(DPO) Defense Privacy Office
(EXSEC) The Exec. Secretariat

E-FOIA REPLY

(I) Intelligence
(CIFA) Counterintelligence Field Activity
(JS) Joint Staff
(LA) Legislative Affairs
(NDU) National Defense Univ.
(NI) Networks and Information Integration
(NSPS) National Security Personnel System
(NSSG) National Security Study Group
(ODNA) Office of the Director, Net Assessment
(OGC) Office of General Counsel
(DOHA) Director, Office of Hearings and Appeals
(OSAWHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison
(PA) Public Affairs
(DVIC) Defense Visual Information Center
(P&R) Personnel & Readiness
(CPMS) Civilian Personnel Management Service
(DEOMI) Defense Equal Opportunity Management Institute
(DMDC) Defense Manpower Data Center
(SIAD) Statistical Information Analysis Division
(FVAP) Federal Voting Assistance Program
(HA) Health Affairs
(DHSD) Deployment Health Support
(RA) Reserve Affairs
(USUHS) Uniformed Services University of Health Sciences
(PFPA) Pentagon Force Protection Agency
(USDP) USD (Policy)
(AP) Asian & Pacific Security Affairs
(CEN) Central Asia

(EAS) East Asia
(SEA) South and Southeast Asia
(IS) International Security Affairs
(AFR) Africa
(EUR) Europe & NATO
(MID) Middle East
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(CMO) Coalition Affairs
(GTS) Counternarcotics, Counterproliferation, and Global Threats
(DPO) Detainee Affairs
(MPA) Defense POW Missing Personnel Affairs Office
(OSCA) Defense Security Cooperation Agency
(DTSA) Defense Technology Security Administration
(PRT) Partnership Strategies
(HD) Homeland Defense and America's Security Affairs
(CMC) Crisis Management & Defense Support for Civil Authorities
(HLD) Homeland Def.
(HSI) Homeland Security Integration
(WHA) Western Hemisphere Affairs
(PDUSD) Policy Director
(PPO) Policy Planning
(SPD) Support for Public Diplomacy
(SO/LIC) Special Operations and Low Intensity Conflict
(FT&R) Forces Transformation & Resources
(SOC) Special Operations
(STB) Stability Operations
(STR) Strategic Capabilities

(WHMO) W. H. Military Office
(WHS) Washington Headquarters Service
(A&P) Acquisition & Procurement
(ESD) Executive Services Directorate
(GC) General Counsel
(HRD) Human Resources
(PENREN) Pentagon Renovation
No Nexus Response
Not a Proper Request Reply
Not Reasonably Described
No Records Response
Not an Agency Record
Verification Response

ARMY	DTRA
NAVY	NGA
USAF	NGB
USMC	NSA
	NSC
CENTCOM	SHAPE
EUCOM	TRICARE
JFCOM	
NORTHCOM	
PACOM	CIA
SOCOM	C. GUARD
SOUTHCOM	DEA
STRATCOM	DHS
TRANSCOM	DOE
	DOJ
DCAA	DOL
DCMA	FAA
DECA	FBI
DFAS	FEMA
DIA	GSA
DISA	NARA
DLA	NPRC
DoDIG	OPM
DoDEA	SEC. SVC.
DSS	STATE
DTIC	VA



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

14 AUG 2007

Ref: 07-A-2335
2007-076

**MEMORANDUM FOR: U.S. SPECIAL OPERATIONS COMMAND
SOCS-SJS-I/FOIA SERVICE CENTER
7701 TAMPA POINT BOULEVARD
MACDILL AFB, FL 33621-5323**

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Richard Lardner

Enclosed is an appeal of your denial of information in the case referenced above. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, the following is requested:

Conduct another review of the information previously denied to the requester, and provide your recommendations as to the release of the information. For any information which you recommend still not be released, enclose that information in red brackets on one copy of the documents and send it to this office. Cite the FOIA exemption(s) invoked for any recommended withholding, and your rationale for denial. Provide a copy of the initial request and any additional comments which will assist in evaluating the appeal. Also, include a “clean” copy of the documents which you located during the search of your files.

Please forward your response to this office by September 10, 2007. You may direct any questions concerning this appeal to Mr. Michael Bell at (b)(6) or

(b)(6)

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation
Branch

Enclosure:
As stated



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

DEC 26 2013

Ref: 07-A-2633
SC 06-068

MEMORANDUM FOR: U.S. SOUTHERN COMMAND (USSOUTHCOM)
SCJ1-A (FOIA)
3511 NW 91ST AVENUE
MIAMI, FL 33172-1217
ATTN: MARCO VILLALOBOS

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Michael Evans

Attached is the appeal of your response in the case referenced above. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we ask that you do the following:

Please conduct another review of the information previously denied to the requester and provide your recommendations as to the release on appeal. For any information which you recommend remain exempt, enclose that information in brackets and send the bracketed documents to this office. Cite the FOIA exemption(s) invoked for any recommended withholding and provide your rationale for denial, along with any additional comments which will assist in evaluating the appeal.

Please forward your response to this office by January 17, 2014. You may direct any questions concerning this appeal to Ms. Danaeka Spear at (b)(6) or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

Attachments:

- (1): Mr. Evans' FOIA Appeal
- (2): Mr. Evans' initial FOIA request
- (3): USSOUTHCOM's initial response.
- (3): Responsive documents

Attachment:
As stated

The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037

Phone: 202/994-7029
Fax: 202/994-7005
Email: nevaans@gwu.edu
<http://www.nsaarchive.org>

September 25, 2007

IN ALL CORRESPONDENCE PLEASE REFER TO
ARCHIVE FILE NO. 20020399CIA054
SOUTHCOM REF: SC 06-068

James Hogan
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

RE: FREEDOM OF INFORMATION ACT APPEAL

Dear Mr. Hogan:

This letter constitutes an administrative appeal in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. Sec. 552., of a U.S. Southern Command determination to withhold in its entirety one document referred to the Command in response to a FOIA request originally submitted to the Central Intelligence Agency on July 17, 2002. The request was for documents relating to a Colombian Army base at "La Hormiga" and the Colombian Army's 31st Counterguerrilla Battalion (part of the Army's 24th Brigade). Southcom's letter of July 6, 2007 (Attachment 1), stated that the document was being denied in its entirety on the basis of FOIA exemptions (b)(1), (b)(2) and (b)(3).

I have enclosed several declassified documents on the Colombian Army base at La Hormiga and the activities of the 31st Counterguerrilla Battalion and the 24th Brigade, including allegations of human rights violations and connections to illegal paramilitary groups. Please consider the information included in this body of declassified material when reviewing the one withheld document for maximum declassification.

- One declassified document (Attachment 2 – 2000 Bogotá 05571) relays a message from the U.S. Embassy in Bogotá to Washington that describes how a U.S.-supported counternarcotics unit was "bedding down" with the 24th Brigade's 31st Counterguerrilla Battalion. The Embassy message notes the "questioned vetting status of the 24th Brigade" and proposes that the State Department officially review the current data to determine if they are allowed to work in coordination with other units of the Colombian military.
- Another document (Attachment 3 – 2000 State 127701) is the State Department's response to 2000 Bogotá 05571 (Attachment 2). The Department reports that it has "no objection to the deployment mentioned" in the previous document, but does point out "consistent reports that the 24th Brigade, and the 31st Counterguerrilla Battalion in particular, has been cooperating with illegal paramilitary groups that have been increasingly active in Putumayo" (page 3).

An independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. A tax-exempt public charity, the Archive receives no U.S. government funding; its budget is supported by publication royalties and donations from foundations and individuals.

- Another cable (Attachment 4 – 2000 Bogotá 06201 – released by the State Department's Appeals Panel) strongly suggests that the 24th Brigade was associating with paramilitary groups. On page 5, the embassy notes that "paramilitaries established a permanent base, possibly in February of this year, on the road to El Placer only kilometers away from elements of the 24th Brigade in La Hormiga" (a likely reference to the 31st Battalion).
- Other declassified documents refer to allegations that the 24th Brigade had carried out an indiscriminate attack in La Hormiga killing four civilians (Attachment 5 – 2000 Bogotá 1883). One cable says that this allegation was specifically against the 31st Battalion and that the Battalion "has apparently been alleged by other sources to have colluded with illegal paramilitary forces" (Attachment 6 – 2000 State 72824).
- Another declassified Embassy cable notes (beginning on page 5) that, "The human rights ombudsman ... said the Army's 24th Brigade has not responded to reports of paramilitary killings and other activity in Villa Sandra farm (located near 24th Brigade headquarters)... Residents complain that paramilitaries have taken people away while Army soldiers looked on, that paramilitaries have been seen in the company of Army personnel, and that paramilitaries appear to have received Army uniforms and equipment." The document further reports that, "The commander of the 24th Brigade ... denied institutional ties to paramilitaries, although he acknowledged that cases of collusion by individuals were possible." With respect to the 31st Battalion, the commander "said he had reviewed concerns about the 31st Battalion's links to paramilitaries and would recommend the entire battalion be transferred out of Putumayo" (Attachment 7 – 2001 Bogotá 1847).

Finally, I would direct your attention to the attached, declassified Defense Department documents (Attachments 8 and 9). The first is an Intelligence Information Report (IIR) (Attachment 8) providing order-of-battle information on "Colombian Military and National Police Units in Southern Colombia," including information on the 24th Brigade, the 31st Battalion and many other security force units deployed in the region in 2000. The second is a biographic report on Brigadier General Antonio Ladron de Guevara Gonzalez, who was then commander of the Colombian Army's 24th Brigade in Putumayo (Attachment 9). This document includes a great deal of detail on Gen. Ladron's military career, including commentary on his "military reputation." I can see no reason why similar information on the composition of Colombian security forces and military leadership from this time period should continue to be withheld from release.

So while I understand the need for Southcom and the Department of Defense to protect sensitive information from disclosure, the large amount of declassified material already available on the subject suggests that the withheld document may contain at least some non-sensitive material that can be released in accordance with the FOIA.

I also ask that you use your discretion to release those sections that are either factual and/or descriptive, or that are no longer time sensitive. I would remind you that non-sensitive material must be released unless inextricably intertwined with other sensitive material. At a minimum, I expect that document titles, dates, subject headings, and other non-sensitive material can be released without disclosing sensitive information.

Thank you for your consideration of this appeal. I look forward to a prompt response. Please contact me with any questions or comments at (202) 994-7029, or by email <mevans@gwu.edu>.

An independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. A tax-exempt public charity, the Archive receives no U.S. government funding; its budget is supported by publication royalties and donations from foundations and individuals.



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

27 SEP 2007

Ref: 07-A-2633
20020399CIA054
SC 06-068

Mr. Michael Evans
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Dear Mr. Evans:

This is in response to your September 25, 2007, Freedom of Information Act (FOIA) appeal.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision.

Sincerely,

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation
Branch

7-2002-01194

The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037

Phone: 202/994-7000
Fax: 202/994-7005
nsarchiv@gwu.edu
www.nsarchive.org

July 17, 2002

Central Intelligence Agency
Kathryn I. Dyer
FOIA and Privacy Coordinator
Washington, D.C. 20505

Re: Request under the FOIA, in reply refer to Archive # 20020399CLA054

Dear Ms. Dyer:

Pursuant to the Freedom of Information Act (FOIA), I hereby request disclosure of all documents relating in whole or in part to:

- 1) The Colombian Army base at "La Hormiga," located in Putamayo Department, Colombia.
- 2) Any and all information regarding the activities of the "Sebastián de Belalcazar" Counterinsurgency Battalion No. 31 (part of the Army's 24th Brigade) which is stationed at "La Hormiga."

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable nonexempt portions of documents. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As you know, the National Security Archive qualifies for waiver of search and review fees as a representative of the news media. This request is made as part of a scholarly and news research project and not for commercial use. For details on the Archive's research and publication activities, please see our Web site at the address above. Please notify me before incurring photocopying costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7000. I look forward to receiving your response within the twenty-day statutory time period.

Sincerely Yours

(b)(6)

Michael Evans

An Independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's Budget.



DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
3511 NW 91ST AVENUE
MIAMI, FL 33172-1217

REPLY TO
ATTENTION OF

July 06, 2007

Directorate of Manpower, Personnel
and Administration

Ref: SC 06-068
CIA #F-2007-00358
DIA #0109-07
CIA #F-2002-01194
OFOI Ref: 06-F-0068

Mr. Michael Evans
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H. Street N.W.
Washington, D.C. 20037

Dear Mr. Evans:

This is our final response to the Freedom of Information Act (FOIA) request of July 17, 2002, archive No. 20020399CIA054, that you filed with the Central Intelligence Agency (CIA). The Office of Freedom of Information referred us your FOIA request and a responsive document for our review and reply directly to you. In your request you requested information related to the Colombian base "La Hormiga" and the activities of "Sebastian de Belalcazar" Counterguerrilla Battalion No. 31.

Upon completion of our line-by-line review of the referred responsive document consisting of 7 pages, we determined only paragraph I D. located at page 5 is responsive to the request. The line-by-line review of this information determined that at this point this information is currently and properly classified in accordance with Executive Order 12958, as amended, Section 1.4 (c), which pertains to intelligence activities (including special activities), intelligence sources or methods; and (d), which pertains to foreign relations or foreign activities of the United States, including confidential sources. Other denied information pertains to information which, if released, would allow circumvention of physical security procedures and force protection measures by openly giving insight into the security capabilities or vulnerabilities concerning the protection of USSOUTHCOM property and personnel. Accordingly, this information is withheld and their release is denied pursuant to Title 5 U.S.C. § 552 (b) (1), (b) (2), and (b) (3), Freedom of Information Act.

Our Initial Denial Authority for this information is Captain Donna Sue Holly, USN, Vice Director of Intelligence.

Should you deem Captain Holly's decision of withholding this information to be an adverse action, you have the right to appeal her decision by writing to the Office of Freedom of Information, 1155 Defense Pentagon, Washington, D.C. 20301-1155, within 60 days of receipt of this letter. Both your letter and envelope should be clearly marked "Freedom of Information

20020399CIA054
RSCNO:31831
7/12/2007

SCU
SEQC08:133943
FOIIG: Brown, Michael

-2-

Act Appeal." A copy of this letter should be enclosed with your appeal. Please refer to case control number SC 06-068.

Although the document was originated at our organization, we were able to identify equities from other agencies. As such, we referred the document to those agencies for their review and reply back to us. An agency review determined the responsive information and most non-responsive information to be currently and properly classified in accordance with Executive Order 12958, as amended. As such this information is denied from release pursuant to Title 5 U.S.C. § 552 (b) (1) and (b) (3), Freedom of Information Act.

With this action I am administratively closing this matter. There are no assessable fees associated with this response. Address any further questions to the undersigned at (b)(6)

(b)(6)

Sincerely,

(b)(6)

Marzo T. Villalobos
FOIA/PA Disclosure Officer

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No:

07A-2633-11

ACTION ASSIGNED TO _____ TEAM: A B C PMB REVIEWER DH CARD
 TYPE REQUEST: Appeal Commercial Educational News/Media NonCom/Scientific Other
 EXPEDITED RESPONSE REQUESTED _____ GRANT? Y N DCII CHECK _____
 UP-FRONT DOCUMENT SEARCH _____ FEE WAIVER REQUESTED _____ DATE RECEIVED: _____
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CLOSED WITHDRAWN

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E-FOIA REPLY

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(PDUSDP) Policy Director
(PPO) Policy Planning
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(SO/LIC) Special Operations and Low Intensity Conflict
(FT&R) Forces Transformation & Resources
(SOC) Special Operations
(STB) Stability Operations
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EUCOM	TRICARE
JFCOM	
NORTHCOM	
PACOM	CIA
SOCOM	C. GUARD
SOUTHCOM	DEA
STRATCOM	DHS
TRANSCOM	DOE
	DOJ
DCAA	DOL
DCMA	FAA
DECA	FBI
DFAS	FEMA
DIA	GSA
DISA	NARA
DLA	NPRC
DoDIG	OPM
DoDEA	SEC. SVC.
DSS	STATE
DTIC	VA



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

18 OCT 2007

Ref: 08-A-0104
SC 07-006

MEMORANDUM FOR: U.S. SOUTHERN COMMAND

ATTN: (b)(6)

SCJ1-A (FOIA)

3511 NW 91ST AVENUE

MIAMI, FL 33172-1217

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Jeremy Bigwood

Attached is an appeal of your determination pertaining to the response to the requester in the case referenced above. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, the following is requested:

Conduct another review of the information previously denied to the requester, and provide your recommendations as to the release of the information. For any information which you recommend still not be released, enclose that information in red brackets on one copy of the documents and send them to this office. Cite the FOIA exemption(s) invoked for any recommended withholding, and your rationale for denial. Also, provide a copy of the responsive documents as they were sent to the requester. Finally, include a copy of the initial request, another copy of the documents which are “clean,” with no markings or brackets and any additional comments which will assist in evaluating this appeal.

Mr. Bigwood alludes in his appeal to a “classified annex.” It appears some documents were withheld from him in their entirety. If this annex is not among the documents forwarded to this office, please provide details on how the search was conducted. In your memo, please advise which offices were searched and provide specific instructions on how the search was conducted.

Please forward your response to this office by November 21, 2007. You may direct any questions concerning this appeal to Mr. Michael Bell at (b)(6) or

(b)(6)

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation
Branch

Attachments:
As stated

~~SECRET~~



**DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

10 FEB 2009

Ref: 08-A-0104
SC 07-006

Ms. Margaret P. Grafeld
United States Department of State
Director, Information Programs and Services
Room 8113 SA-2
Washington, DC 20522-8113

Dear Ms. Grafeld:

We are forwarding the enclosed Freedom of Information Act (FOIA) appeal and one responsive document to your office for action and direct response to the requester.

While processing the initial FOIA request, United States Southern Command (USSOUTHCOM) determined that the enclosed document should be partially released. USSOUTHCOM's initial determination, dated August 30, 2007, is also enclosed. Please note that USSOUTHCOM withheld the information shaded in gray and yellow, and released the unshaded information to the requester. While reviewing the document on appeal, USSOUTHCOM determined that the yellow highlighted information may now be appropriate for release.

However, while this office was conducting the appellate review, we determined that the enclosed document falls under your purview. Therefore, we are referring it to you for action. The requester has been advised of this referral.

You may direct any questions to Ms. Carol Curley at (b)(6) or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

- For -

Enclosures:
As stated

COPY

~~SECRET~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURES



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

OCT 11 2012

Ref: 08-A-0104
SC 07-006

MEMORANDUM FOR: U.S. SOUTHERN COMMAND (USSOUTHCOM)
9301 NW 33RD STREET
DORAL, FL 33172
ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Jeremy Bigwood

Attached is an appeal of your determination to the response to the requester in the case referenced above. Please note that on September 26, 2008 you provided us the enclosed appellate review in which you asked us to uphold your previous determination to withhold 14 documents totaling 174 pages in their entirety. On February 4, 2009, per the enclosed email, Mr. Mike Bell asked you to give further details of why the documents should remain withheld in their entirety. On July 18, 2012, you notified this Office that USSOUTHCOM would need all the provided documents re-sent for another review. Please find the fourteen documents enclosed.

In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we ask that you conduct another review of the information previously denied to the requester and provide your recommendations as to the release on appeal. For any information which you recommend remain exempt, enclose that information in brackets and send the bracketed documents to this office. Cite the FOIA exemption(s) invoked for any recommended withholding and provide your rationale for denial, along with any additional comments which will assist in evaluating the appeal. We also request a copy of the initial FOIA request and a clean copy of the responsive document with no markings or brackets.

Please forward your response to this office by November 2, 2012. You may direct any questions concerning this appeal to Ms. Mary Roundy at (b)(6), or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

Enclosures:
As stated

Jeremy Bigwood
Investigative Reporter and Photojournalist

(b)(6)

FREEDOM OF INFORMATION ACT APPEAL
Commission for Assistance to a Free Cuba (CAFC II):
Report to the President, June 2006
Ref: SC 07-006

Mr. James Hogan
Chief, Policy,
Appeals Litigation Branch
Office of Freedom of Information
1155 Defense, Pentagon
Washington, D.C., 20301-1155

2007-10-07

Dear Mr. Hogan:

I hope this letter finds you well and enjoying the warm fall weather. As you may have already divined, I am writing to your office to appeal a rather strange FOIA response from USSOUTHCOM that I suspect may have been caused by having too many cooks spoiling the pot. Or perhaps too much pot spoiling the cooks?

My original request was fairly straightforward. At least I thought so. The language of my request follows:

This request relates to any records that your Agency may possess regarding material related to or classified portions of the "Commission for Assistance to a Free Cuba: Report to the President, June 2006."

Please search for responsive records regardless of format, medium, or physical characteristics. *I seek records of any kind that refer to the document, including inter-agency and intra-agency discussions before and after its release. I am also seeking classified sections of the report not released previously to the public.*

I filed this FOIA request because I was looking for the notorious "Classified Annex" of this report in order to quell still-circulating rumors that it contains some kind of blueprint for a US invasion of Cuba, something that I do not believe. However, the foot-shooting response by USSOUTHCOM actually plays into the essence of this rumor by repeatedly citing "military plans" as a rationalization for withholding information. Such a strange apparent "admission" caused me to wonder if this response was actually penned by some remaining DI agents within USSOUTHCOM who were purposefully engaged in spreading the rumor. But on second thought I am sure that USSOUTHCOM's response was honest, even if it was more than a little lame.

The document that was released to me was not the "Classified Annex" that I had requested, but what appears to be a thoroughly excised early rough draft of the first chapter of the CAFC II report. Please remind USSOUTHCOM to release to me the "Classified Annex" instead.

Jeremy Bigwood

Investigative Reporter and Photojournalist

(b)(6)

I wish to challenge (appeal) all of the excisions of the bruised document that was released to me because most, if not all, of the excised sections are available in the publicly-released version of CAFC II. I don't need to bore you with all of the many examples of USSOUTHCOM's erroneous redactions: the one below should be more than sufficient.

"EXHIBIT A" is the first page (numbered page 2) of the textual part of the report that USSOUTHCOM released to me. You will note that, apart from the (C) and (U) markings and the B1 exemption excision, it is identical to **"EXHIBIT B"** – page 14 of the publicly-released CAFC II report. In the publicly-released document, there is no such excision. To assist you, I have highlighted the text which was withheld from me by USSOUTHCOM. And to make things even easier, I am also enclosing **"EXHIBIT C"**, which shows the USSOUTHCOM release with the excised sentence added on a yellow background. If you need further evidence of more unwarranted excisions, I would be happy to provide such, but I suspect you will find this example to be sufficient.

To summarize: the three exhibits clearly show that the USSOUTHCOM FOIA office is willfully and illegally abusing FOIA exemptions. Please correct their errant behavior and send me the document unexcised – along with the originally-requested "Classified Annex."

The evidence above shows beyond any reasonable doubt that USSOUTHCOM has been misapplying FOIA exemptions. This casts doubt not only on the withholding of the additional fourteen documents (186 pages by my count) relevant to this FOIA response, but also to all of USSOUTHCOM's previous withholdings of documents I have sought over the last ten years. At the very least, I must be given the fourteen withheld documents of the present response in unexcised form.

I am also challenging the more than likely (I think you will agree) erroneous application of the B2 and B5 exemptions to these documents. Please revise these judgments.

Thank you for your time and consideration. Wishing you a pleasant autumn.

Respectfully yours,

(b)(6)

(b)(6)

Jeremy Bigwood

Enclosures: **"EXHIBIT A"**, **"EXHIBIT B"** and **"EXHIBIT C"**

ⁱ But that, by definition, is to be expected from foot-shooting.

Jeremy Bigwood

Investigative Reporter and Protojournalist

(b)(6)

I wish to challenge (appeal) all of the excisions of the bruised document that was released to me because most, if not all, of the excised sections are available in the publicly-released version of CAFC II. I don't need to bore you with all of the many examples of USSOUTHCOM's erroneous redactions: the one below should be more than sufficient.

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To summarize: the three exhibits clearly show that the USSOUTHCOM FOIA office is willfully and illegally abusing FOIA exemptions. Please correct their errant behavior and send me the document unexcised -- along with the originally-requested "Classified Annex."

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Respectfully yours,

(b)(6)

(b)(6)

Jeremy Bigwood

Enclosures: "EXHIBIT A", "EXHIBIT B" and "EXHIBIT C"

ⁱ But that, by definition, is to be expected from foot-shooting.



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

18 OCT 2007

Ref: 08-A-0104
SC 07-006

Mr. Jeremy E. Bigwood

(b)(6)

Dear Mr. Bigwood:

This is in response to your October 7, 2007, Freedom of Information Act (FOIA) appeal.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision.

Sincerely,

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation
Branch



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

10 FEB 2009

Ref: 08-A-0104
SC 07-006

Mr. Jeremy E. Bigwood

(b)(6)

Dear Mr. Bigwood:

This is an interim response to your October 7, 2007, Freedom of Information Act (FOIA) appeal regarding an August 30, 2007, letter you received from United States Southern Command (USSOUTHCOM) in response to your August 5, 2006, FOIA request for records relating to the "Commission for Assistance to a Free Cuba: Report to the President, June 2006."

After conducting further research into your initial request, we have determined that the one document that was partially withheld falls under the purview of the Department of State. Therefore, I am forwarding your appeal for processing of the partially withheld document to the address listed below:

United States Department of State
Director, Information Programs and Services
Room 8113 SA-2
Washington, DC 20522-8113

This office will continue to process your appeal with respect to the 14 supporting documents that were withheld in their entirety.

Sincerely,

(b)(6)

James P. Hogan
Chief

COPY

Jeremy Bigwood

Investigative Reporter and Photojournalist

(b)(6)

**Updated enhancement of previous FOIA Request:
Commission for Assistance to a Free Cuba: Report to the President, June 2006**

Mr. Marco T. Villalobos
Freedom of Information Act Office
USSOUTHCOM
3511 NW 91st Avenue,
Miami, FL 33172-1217

2006-08-05

Dear FOIA Officer:

In my capacity as an investigative journalist, I am writing your office to request all records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs, pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552 *et seq.*

This request relates to any records that your Agency may possess regarding material related to or classified portions of the "Commission for Assistance to a Free Cuba: Report to the President, June 2006."

Please search for responsive records regardless of format, medium, or physical characteristics. ***I seek records of any kind that refer to the document, including inter-agency and intra-agency discussions before and after its release. I am also seeking classified sections of the report not released previously to the public.***

This includes electronic records, audiotapes, videotapes and photographs, telephone messages, voice mail messages, daily agenda and calendars, information about scheduled meetings, whether in person or over the telephone, agendas for those meetings, participants included in those meetings, minutes of any such meetings, the topics discussed at those meetings, e-mail regarding meetings, e-mail or facsimiles sent as a result of those meetings, and transcripts and notes of any such meetings.

Expedited processing:

I am also asking that this request be subjected to ***expedited processing***, because there is a "compelling need" for these documents as they concern a breaking news story of general public interest that is urgently needed by a journalist (me) who is primarily engaged in disseminating information in order to inform the public concerning actual or alleged federal government activity.

The record requested "concerns a matter of current exigency to the American public" because Cuba's President Fidel Castro is ill and there is a likelihood that will die at some point, and that the U.S. government may respond to his death with activity described in the classified sections of this document. This information, plus any other discussion of the aforementioned document and information related to it will be of great interest to the American public because of Cuba's proximity to the United States (for

Jeremy Bigwood

Investigative Reporter and Photojournalist

(b)(6)

instance: the possibility of unrest after Castro's death could cause a wave of refugees to the continental U.S.).

Furthermore, "the consequences of delaying a response would compromise a significant recognized interest"- to wit, the American public's right to know. This request for expedited processing clearly meets the legal standards.

In support of my request for expedited processing, I include a faxed letter from the Executive Editor at *In These Times*, a recognized news media outlet primarily engaged in disseminating information to the public. *In These Times* is the probable publisher of responsive documents coming out of this request.

I would like this request to be processed under the "representative of the news media" category, which entitles me to a waiver of costs accumulated during the actual search and review process. I understand that in order to comply with the requisites of the "freelance" category of the "representative of the news media" requirements of the FOIA, which entitle me to gratuitous searches of your archives, I must offer you proof of said status. However, in accordance with the principles and spirit of the Paperwork Reduction Act (PRA) of 1995, whose stated goals are "to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public...", in lieu of sending you photocopies to attest to my due inclusion into this status, I include the following Internet URL (http://jeremybigwood.net/JBsPUBS/Articles4FOIA.htm#*) where digital facsimiles of articles I have published can be found. These articles alone are sufficient to fulfill the stated requirement of a long track record of publication and the likelihood of further publication and clearly bestow upon me "representative of the news media" status. You will note that I also publish whole FOIA responses from various US government entities at: (<http://jeremybigwood.net/FOIAs/FOIA.htm>).

The *In These Times* fax is also equivalent to a contract, and as such, I have satisfied both standards of the "representative of the news media status" in the "freelance" category.

I believe that disclosure of the requested information to me 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 my commercial interest. For this reason I request a waiver of all fees. However, in the event that fee waiver is not granted, I agree to pay all photocopying costs in excess of 100 pages up to \$100.00. My preference, however, is to receive digital versions of these documents, if they indeed exist.

Please respond to this request in writing within twenty (20) days as required under 5 U.S.C. §552(a)(6)(A)(i). If all of the requested documents are not available within that time period, I ask that you provide them as they are processed.

If you have any questions about this request or foresee problems in fully releasing the requested records within the twenty day period, feel free to call me within

Jeremy Bigwood

Investigative Reporter and Photojournalist

(b)(6)

that time period. I can be reached at (b)(6) or my cell at (b)(6).
Please send the hard copies of the requested documents to the above address or
digitized versions to me at my e-mail which is: (b)(6)

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to
the best of my knowledge and belief as stipulated by §552(a)(6)(E)(vi).

Thank you for your time and consideration.

Respectfully yours,

(b)(6)

Jeremy Bigwood



REPLY TO
ATTENTION OF

DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
3511 NW 91ST AVENUE
MIAMI, FL 33172-1217

August 30, 2007

Directorate of Manpower, Personnel
and Administration

Ref: SC 07-006

Mr. Jeremy Bigwood

(b)(6)

Dear Mr. Bigwood:

This is our final response to your Freedom of Information Act (FOIA) request of August 05, 2006. In your request you requested records related to the classified portions of the "Commission for Assistance to a Free Cuba: Report to the President, June 2006."

Our search for information reveals 15 documents consisting of approximately 212 pages of information. We determined the information within fourteen documents is currently and properly classified in accordance with Executive Order 12958, as amended, Section 1.4 (a), which pertains to military plans, weapons systems, or operations. Other denied information concerns to the internal rules and practices of our agency. Release of this information would allow circumvention of physical security procedures and force protection measures by openly giving insight into the security capabilities or vulnerabilities concerning the protection of our agency property, personnel, and sources. Additionally, the information within three of this documents have been determined to be predecisional. Accordingly, release of these information is denied pursuant to Title 5 § 552 (b) (1), (b) (2), and (b) (5), Freedom of Information Act by Colonel Robert D. Rice, USM, Deputy Director of Operations, an Initial Denial Authority.

Partially released information. Upon completion of our line-by-line review of document titled "Commission for Assistance to A Free Cuba, Report to the President, July 2006 consisting of approximately 26 pages, we determined portions of information within this document are currently and properly classified in accordance with Executive Order 12958, as amended, Section 1.4 (a), which pertains to military plans, weapons systems, or operations; (c), which pertains to intelligence activities (including special activities), intelligence sources or methods; (d), which pertains to foreign relations or foreign activities of the United States, including confidential sources; and (e), which pertains to scientific, technological, or economic matters relating to the national security, which includes defense against transnational terrorism. Other denied information concerns to the internal rules and practices of our agency. Release of this information would allow circumvention of physical security procedures and force protection measures by openly giving insight into the security capabilities or vulnerabilities concerning the protection of our agency property, personnel, and sources. We further determined that other redacted information pertains to the planning, programming, and budgetary information that are

involved in the defense planning and resource allocation. Accordingly, release of the redacted portions of information is denied pursuant to Title 5 § 552 (b) (1), (b)(2), and (b) (5), Freedom of Information Act by Captain Eustaquio Castro-Mendoza, USN, Vice Director of Intelligence, an Initial Denial Authority.

Should you deem Colonel Rice's and Captain Castro-Mendoza's decisions of denying this information to be an adverse action, you have the right to appeal their decision of denying this information by writing to the Office of Freedom of Information, 1155 Defense - Pentagon, Washington, D.C. 20301-1155, within 60 days of receipt of this letter. Both your letter and envelope should be clearly marked "Freedom of Information Act Appeal." Also, a copy of this letter should be enclosed with your appeal. Please refer to the above Freedom of Information Act request case control number.

Refer any questions related to this action to the undersigned at (b)(6). With this action I am administratively closing this file in this Office. At this time there are no assessable fees associated with this response.

Sincerely,

(b)(6)

Marco T. Villalobos
FOIA/PA Disclosure Officer

Enclosure

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No: 08-A-0104-A1

ACTION ASSIGNED TO _____ TEAM: A B C PMB REVIEWER DH CARD
 TYPE REQUEST: Appeal Commercial Educational News/Media NonCom/Scientific Other
 EXPEDITED RESPONSE REQUESTED _____ GRANT? Y N DCII CHECK _____
 UP-FRONT DOCUMENT SEARCH _____ FEE WAIVER REQUESTED _____ DATE RECEIVED: _____
 REMARKS:

CLOSED WITHDRAWN

(ASBCA) Armed Services Board of Contract Appeals
(AT&L) Acquisition, Technology, & Logistics
(A&T) Acquisition & Technology
(DAU) Defense Acquisition University
(DPAP) Defense Procurement & Acquisition Policy
(DARC) Defense Acquisition Regulation Council
(PSA) Portfolio Systems Acquisition
(TC) Treaty Compliance
(SBP) Small Business Programs
(BT) Business Transformation
(BTA) Business Transformation Agency
(DDR&E) Defense Research and Engineering
(AS&C) Advanced Systems & Concepts
(DARPA) Defense Advanced Research Projects Agency
(DMEA) Defense Micro Electronics Activity
(DSB) Defense Science Board
(I&E) Installations & Environment
(ECOADJ) Economic Adjustment
(L&MR) Logistics & Material Readiness
(IC) International Cooperation
(MDA) Missile Defense Agency
(NCB) Nuclear, Chemical, & Biological Defense Programs
(SPGMS) Special Programs
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)
(COMP) Comptroller
(PA&E) Program Analysis & Evaluation
(DPO) Defense Privacy Office
(EXSEC) The Exec. Secretariat

E-FOIA REPLY

(I) Intelligence
(CIFA) Counterintelligence Field Activity
(JS) Joint Staff
(LA) Legislative Affairs
(NDU) National Defense Univ.
(NI) Networks and Information Integration
(NSPS) National Security Personnel System
(NSSG) National Security Study Group
(ODNA) Office of the Director, Net Assessment
(OGC) Office of General Counsel
(DOHA) Director, Office of Hearings and Appeals
(OSAWHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison
(PA) Public Affairs
(DVIC) Defense Visual Information Center
(P&R) Personnel & Readiness
(CPMS) Civilian Personnel Management Service
(DEOMI) Defense Equal Opportunity Management Institute
(DMDC) Defense Manpower Data Center
(SIAD) Statistical Information Analysis Division
(FVAP) Federal Voting Assistance Program
(HA) Health Affairs
(DHSD) Deployment Health Support
(RA) Reserve Affairs
(USUHS) Uniformed Services University of Health Sciences
(PFPA) Pentagon Force Protection Agency
(USDP) USD (Policy)
(AP) Asian & Pacific Security Affairs
(CEN) Central Asia

(EAS) East Asia
(SEA) South and Southeast Asia
(IS) International Security Affairs
(AFR) Africa
(EUR) Europe & NATO
(MID) Middle East
(GS) Global Security Affairs
(CMO) Coalition Affairs
(GTS) Counternarcotics, Counterproliferation, and Global Threats
(DPO) Detainee Affairs
(MPA) Defense POW Missing Personnel Affairs Office
(DSCA) Defense Security Cooperation Agency
(DTSA) Defense Technology Security Administration
(PRT) Partnership Strategies
(HD) Homeland Defense and America's Security Affairs
(CMC) Crisis Management & Defense Support for Civil Authorities
(HLD) Homeland Def.
(HSI) Homeland Security Integration
(WHA) Western Hemisphere Affairs
(PDUSSDP) Policy Director
(PPO) Policy Planning
(SPD) Support for Public Diplomacy
(SO/LIC) Special Operations and Low Intensity Conflict
(FT&R) Forces Transformation & Resources
(SOC) Special Operations
(STB) Stability Operations
(STR) Strategic Capabilities

(WHMO) W. H. Military Office
(WHS) Washington Headquarters Service
(A&P) Acquisition & Procurement
(ESD) Executive Services Directorate
(GC) General Counsel
(HRD) Human Resources
(PENREN) Pentagon Renovation
No Nexus Response
Not a Proper Request Reply
Not Reasonably Described
No Records Response
Not an Agency Record
Verification Response

ARMY	DTRA
NAVY	NGA
USAF	NGB
USMC	NSA
	NSC
CENTCOM	SHAPE
EUCOM	TRICARE
JFCOM	
NORTHCOM	
PACOM	CIA
SOCOM	C. GUARD
SOUTHCOM	DEA
STRATCOM	DHS
TRANSCOM	DOE
	DOJ
DCAA	DOL
DCMA	FAA
DECA	FBI
DFAS	FEMA
DIA	GSA
DISA	NARA
DLA	NPRC
DoDIG	OPM
DoDEA	SEC. SVC.
DSS	STATE
DTIC	VA

JEFFREY T. RICHELSON

(b)(6)

September 2, 2008

James Hogan
Chief, Policy, Appeals, and Litigation Branch
Office of Freedom of Information
1155 Defense Pentagon
Washington, D.C. 20301-1155.

Dear Mr. Hogan:

This letter appeals the denial (in its entirety) of my FOIA request of June 17, 2008 (08-F-1325) for "any studies, briefings, or memos prepared by the Policy Counterterrorism Evaluation Group (or its successor) concerning, terrorism, counterterrorism, or WMD."

According to the denial letter one document, consisting of 154 pages, was responsive to my request. I base my appeal on the publication of details, including in reports of the Department of Defense Inspector General and the Senate Select Committee on Intelligence, about the briefing. Also of relevance is a fact sheet published by Senate Republican Policy Committee. I have enclosed relevant portions of each document.

In addition to information in these documents that directly concerns the contents of the responsive document, I also believe that there is information about the contents of briefings and documents whose content is highly likely to have been contained in the responsive document.

Also, in his book *War and Decision*, former Under Secretary of Defense for Policy, who established the PCTEG, notes (p. 117) that the group drew on CIA products in its briefing. (Also see, p. 307 of the enclosed SSCI report extract). Hence any declassified CIA products used in the briefing should result in the declassification of that material from the briefing. I enclose one declassified CIA product: "Iraq and al-Qa'ida: Interpreting a Murky Relationship."

Sincerely,

(b)(6)

Jeffrey T. Richelson



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

16 SEP 2008

Ref: 08-A-1325

Mr. Jeffrey T. Richelson

(b)(6)

Dear Mr. Richelson:

This is in response to your September 2, 2008, Freedom of Information Act (FOIA) appeal.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Mr. Michael Bell at (b)(6) or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation
Branch

- For -



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

Ref: 08-F-1325

Mr. Jeffrey T. Richelson

18 AUG 2008

(b)(6)

Dear Mr. Richelson:

This is the final response to your Freedom of Information Act (FOIA) request dated June 17, 2008, for "any studies, briefings or memos prepared by the Policy Counterterrorism Evaluation Group (or its successor) concerning terrorism, counterterrorism, or WMD." We received your request on June 17, 2008 and assigned it FOIA case number 08-F-1325.

A search of the records systems maintained by the Office of the Under Secretary of Defense for Policy (USDP) located one document, consisting of 154 pages, responsive to your request. Mr. Michael H. Mobbs, an Initial Denial Authority for USDP, has determined that the document is exempt from release in its entirety pursuant to 5 U.S.C. § 552(b)(1), which pertains to information that is properly classified in the interest of national security pursuant to Executive Order 12958, as amended, section 1.4(c), which concerns intelligence activities (including special activities), intelligence sources or methods, or cryptology; and 5 U.S.C. § 552(b)(5), which pertains to certain inter- and intra-agency communications protected by the deliberative process privilege.

If you are not satisfied with this action, you may submit an administrative appeal to James Hogan, Chief, Policy, Appeals, and Litigation Branch, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301-1155. Your appeal should be postmarked within 60 days of the date of this letter, should cite to case number 08-F-1325 and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

(b)(6)

Will Kammer
Chief

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No:

08-A-1325-A1

ACTION ASSIGNED TO _____ TEAM: A B C D REVIEWER _____ CARD _____
 TYPE REQUEST: Appeal Commercial Educational News/Media NonCom/Scientific Other
 EXPEDITED RESPONSE REQUESTED _____ GRANT? Y N DCII CHECK _____
 UP-FRONT DOCUMENT SEARCH _____ FEE WAIVER REQUESTED _____ DATE RECEIVED: _____
 REMARKS:

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(A&T) Acquisition & Technology
(DAU) Defense Acquisition University
(DPAP) Defense Procurement & Acquisition Policy
(DARC) Defense Acquisition Regulation Council
(PSA) Portfolio Systems Acquisition
(TC) Treaty Compliance
(SBP) Small Business Programs
(BT) Business Transformation
(BTA) Business Transformation Agency
(DDR&E) Defense Research and Engineering
(AS&C) Advanced Systems & Concepts
(DARPA) Defense Advanced Research Projects Agency
(DMEA) Defense Micro Electronics Activity
(DSB) Defense Science Board
(I&E) Installations & Environment
(ECOADJ) Economic Adjustment
(L&MR) Logistics & Material Readiness
(IC) International Cooperation
(MDA) Missile Defense Agency
(NCB) Nuclear, Chemical, & Biological Defense Programs
(SPPGMS) Special Programs
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)
(COMP) Comptroller
(PA&E) Program Analysis & Evaluation
(DPO) Defense Privacy Office
(EXSEC) The Exec. Secretariat

E-FOIA REPLY

(I) Intelligence
(CIFA) Counterintelligence Field Activity
(JS) Joint Staff
(LA) Legislative Affairs
(NDU) National Defense Univ.
(NII) Networks and Information Integration
(NSPS) National Security Personnel System
(NSSG) National Security Study Group
(ODNA) Office of the Director, Net Assessment
(OGC) Office of General Counsel
(DOHA) Director, Office of Hearings and Appeals
(OSA/WHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison
(PA) Public Affairs
(DMA) Defense Media Activity
(P&R) Personnel & Readiness
(CPMS) Civilian Personnel Management Service
(DEOMI) Defense Equal Opportunity Management Institute
(DMDC) Defense Manpower Data Center
(SIAD) Statistical Information Analysis Division
(FVAP) Federal Voting Assistance Program
(HA) Health Affairs
(DHSD) Deployment Health Support
(RA) Reserve Affairs
(PFPA) Pentagon Force Protection Agency
(USDP) (Policy)
(AP) Asian & Pacific Security Affairs
(CEN) Central Asia
(EAS) East Asia
(SEA) South and Southeast Asia

(IS) International Security Affairs
(AFR) Africa
(EUR) Europe & NATO
(MID) Middle East
(GS) Global Security Affairs
(CMO) Coalition Affairs
(GTS) Counternarcotics, Counterproliferation, and Global Threats
(DPO) Detainee Affairs
(MPA) Defense POW Missing Personnel Affairs Office
(DSCA) Defense Security Cooperation Agency
(DTSA) Defense Technology Security Administration
(PRT) Partnership Strategies
(HD) Homeland Defense and America's Security Affairs
(CMC) Crisis Management & Defense Support for Civil Authorities
(HLD) Homeland Def.
(HSI) Homeland Security Integration
(WHA) Western Hemisphere Affairs
(PDUSD) Policy Director
(PPO) Policy Planning
(SPD) Support for Public Diplomacy
(SO/LIC) Special Operations and Low Intensity Conflict
(FT&R) Forces Transformation & Resources
(SOC) Special Operations
(STB) Stability Operations
(STR) Strategic Capabilities
(WHMO) White House Military Office
(WHS) Wash HQ Services

(A&P) Acquisition & Procurement
(ESD) Executive Services Directorate
(GC) General Counsel
(HRD) Human Resources
(PENREN) Pentagon Renovation
No Nexus Response
Not a Proper Request Reply
Not Reasonably Described
No Records Response
Not an Agency Record
Verification Response

ARMY	DTRA
NAVY	NGA
USAF	NGB
USMC	NRO
	NSA
CENTCOM	NSC
EUCOM	SHAPE
JFCOM	TRICARE
NORTHCOM	
PACOM	CIA
SOCOM	C. GUARD
SOUTHCOM	DEA
STRATCOM	DHS
TRANSCDM	DOE
	DOJ
DCAA	DOL
DCMA	FAA
DECA	FBI
DFAS	FEMA
DIA	GSA
DISA	NARA
DLA	NPRC
DoDIG	OPM
DoDEA	SEC. SVC.
DSS	STATE
DTIC	VA

~~SECRET/SCI~~



**DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

28 JAN 2013

Ref: 08-A-1325

MEMORANDUM FOR: **DEFENSE INTELLIGENCE AGENCY (DIA)**
ATTN: (b)(6)
DAN-1A RM E4-234 (FOIA)
WASHINGTON, DC 20340-5100

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Jeffrey T. Richelson

Enclosed is an appeal of the denial of information in the case referenced above. In order for the Deputy Director, Administration and Management to fulfill its responsibilities as the appellate authority, the following is requested:

Please conduct another review of the enclosed document initially withheld in its entirety. For any information which you recommend not be released, enclose that information in RED brackets. Cite the FOIA exemption(s) invoked for any recommended withholding, and provide your rationale for denial, and return the documents to this office. Additionally, we believe that this document is not properly marked and we are asking your office apply the correct marking to this responsive document.

Please forward your response to this office by February 15, 2013. You may direct any questions concerning this appeal to Ms. Danaeka Spear at (b)(6) or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

Enclosures:
As stated

~~SECRET/SCI~~

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* Jerome Karel
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* Arthur Kornberg
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* Willis E. Lamb
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* Roy Menninger
* Matthew S. Meselson
* Mario Molina
* Stephen S. Morse
* Ferid Murad
* Joseph E. Murray
* Franklin A. Neva
* Marshall Nirenberg
* Douglas D. Osheroff
* Arno A. Penzias
* Martin L. Perl
* George Rathjens
* Burton Richter
* Richard J. Roberts
* J. Robert Schrieffer
* Andrew Sessler
* Phillip A. Sharp
* K. Barry Sharpless
* Stanley K. Shoenbaum
* Richard E. Smalley
* Robert M. Solow
* Jack Steinberger
* Joseph Stiglitz
* Henry Taube
* Daniel Tsui
* Charles H. Townes
* Frank von Hippel
* Robert A. Weinberg
* Steven Weinberg
* Torsten N. Wiesel
* Alfred Yankauer
* Herbert F. York
* Nobel Laureate

October 10, 2008

Mr. James Hogan
Chief, Policy, Appeals and Litigation Branch
Department of Defense
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC-20301-1155

FOIA APPEAL

Sir,

This is an appeal of DOD FOIA no documents decision (see enclosed copy) in response to my request for three Global Strike reports issued by the Secretary of Defense to Congress in June 2004, October 2005, and February 2007.

The search appears to have been inadequate. The three documents are referenced on page 8 (footnote 7) of the GAO report Military Transformation: DOD Needs to Strengthen Implementation of Its Global Strike Concept and Provide a Comprehensive Investment Approach for Acquiring Needed Capabilities (GAO-08-325) from April 2008.

I appreciate very much your help in obtaining this information and look forward to hearing from you. If you have any questions, please feel free to call me at (b)(6)

(b)(6) fax me at (b)(6) or communicate via e-mail to

(b)(6) Thank you in advance for your assistance.

Sincerely, (b)(6)

(b)(6)
Hans M. Kristensen
Project Director

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Maxine Savitz
Richard Wald

Ex officio: Carl Kaysen, Robert Solow, Frank von Hippel



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

APR 2 2012

Ref: 08-A-1575-A1

Mr. Hans M. Kristensen

(b)(6)

Dear Mr. Kristensen:

This is an interim response to your October 10, 2008, Freedom of Information Act (FOIA) appeal, regarding the August 21, 2008, no record determination you received in response to your July 23, 2006, FOIA request. You appealed the adequacy of the search conducted in response to your initial FOIA request.

While processing your appeal a new search for records responsive to your request was conducted. During this search, we located the February 2007 Report to Congress on: Prompt Global Strike Plan. We are releasing this document in its entirety.

We are continuing to process your appeal and we anticipate the final appellate determination will be issued in the near future. Should you have any questions regarding this case, you may contact the action officer, Ms. Danaeka Spear at (b)(6)

Sincerely

(b)(6)

James P. Hogan
Chief



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T: 202/546-3300
F: 202/675-1010

1725 DeSales Street NW, 6th Floor Washington, DC 20036

www.fas.org
fas@fas.org

Sunday, July 23, 2006

FOIA Number: 08-017

Freedom of Information Act Manager
Directorate for Freedom of Information and Security Review
The Pentagon, Room 2C757
Washington DC 20301-1155

Dear madam/sir:

This is a request under the federal Freedom of Information Act, 5 USC 552, as amended. I request copies of the following:

- * The three Global Strike reports issued by the Secretary of Defense to Congress in June 2004, October 2005, and February 2007.

Through this request, I am gathering information on a subject of current and ongoing interest to the public. As a co-author to the bi-monthly *Bulletin of the Atomic Scientists* and the *SIPRI Yearbook*, a Project Director with the Federation of American Scientists – a news media-type entity that collects information for analysis and distribution to the public for news and educational purposes on a non-commercial basis – and as a frequent consultant to the news media, I have both the experience and ability to analyze and disseminate the information.

I am willing to pay all reasonable fees for this request, but ask that you inform me if you expect the fees will exceed \$50. Due to my status described above, as reaffirmed by the Office of the Secretary of Defense in several appeal cases, I meet the statute's definition for a "representative of the news media" and therefore am only required to pay for the direct cost of duplication after the first 100 pages. Even so, the statute permits the waiver of fees beyond that where the information is obtained on a non-commercial basis and will contribute to the public's understanding of the operations of the government. I request therefore that any applicable fees be waived.

In the event the document requested is currently and properly classified, I ask that you release all segregable portions. As you know, an agency cannot rely simply on existing markings in a document for release determination, but must perform a specific review to determine if the information is currently and properly classified and which segregable portions can be released without causing significant damage to national security. I also ask that you identify all documents identified in the search for this request.

I appreciate very much your help in obtaining this information and look forward to hearing from you within 20 days, as the statute requires. If you have any questions regarding this request, please feel free to call me at (b)(6), fax me at (b)(6), or communicate via e-mail to (b)(6). Thank you in advance for your assistance.

Sincerely,

(b)(6)

Hans W. Kristensen.



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

21 AUG 2008

Ref: 08-F-1575
FOIA Number: 08-017

Mr. Hans M. Kristensen
Federation of American Scientists
1725 DeSales Street NW, 6th Floor
Washington, DC 20036

Dear Mr. Kristensen:

This is in response to your Freedom of Information Act (FOIA) request dated Sunday, July 23, 2006 for copies of the "three Global Strikes reports issued by the Secretary of Defense to Congress in June 2004, October 2005, and February 2007." We received your request on July 30, 2008.

The Executive Services Directorate (ESD), a component of the Office of the Secretary of Defense, searched its files for records such as those described in your request. The ESD concluded its search, however, without finding any responsive records.

Should you deem this response to be a denial of your request, you may administratively appeal to James Hogan, Chief, Policy, Appeals and Litigation Branch at the above address. Your appeal should be postmarked no later than 60 days after the date of this letter, should cite to case number 08-F-1575, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

(b)(6)

for Will Kammer
Chief

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No: 08-A-1575-A1

ACTION ASSIGNED TO _____ TEAM: A B C D REVIEWER _____ CARD _____
 TYPE REQUEST: Appeal Commercial Educational News/Media NonCom/Scientific Other
 EXPEDITED RESPONSE REQUESTED _____ GRANT? Y N DCII CHECK _____
 UP-FRONT DOCUMENT SEARCH _____ FEE WAIVER REQUESTED _____ DATE RECEIVED: _____
 REMARKS:

CLOSED WITHDRAWN

(ASBCA) Armed Services Board of Contract Appeals
(AT&L) Acquisition, Technology, & Logistics
(A&T) Acquisition & Technology
(DAU) Defense Acquisition University
(DPAP) Defense Procurement & Acquisition Policy
(DARC) Defense Acquisition Regulation Council
(PSA) Portfolio Systems Acquisition
(TC) Treaty Compliance
(SBP) Small Business Programs
(BT) Business Transformation
(BTA) Business Transformation Agency
(DDR&E) Defense Research and Engineering
(AS&C) Advanced Systems & Concepts
(DARPA) Defense Advanced Research Projects Agency
(DMEA) Defense Micro Electronics Activity
(DSB) Defense Science Board
(I&E) Installations & Environment
(ECOA&J) Economic Adjustment
(L&MR) Logistics & Material Readiness
(IC) International Cooperation
(MDA) Missile Defense Agency
(NCB) Nuclear, Chemical, & Biological Defense Programs
(SPPGMS) Special Programs
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)
(COMP) Comptroller
(PA&E) Program Analysis & Evaluation
(DPO) Defense Privacy Office
(EXSEC) The Exec. Secretariat

E-FOIA REPLY

(I) Intelligence
(CIFA) Counterintelligence Field Activity
(JS) Joint Staff
(LA) Legislative Affairs
(NDU) National Defense Univ.
(NI) Networks and Information Integration
(NSPS) National Security Personnel System
(NSSG) National Security Study Group
(ODNA) Office of the Director, Net Assessment
(OGC) Office of General Counsel
(DOHA) Director, Office of Hearings and Appeals
(OSAWHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison
(PA) Public Affairs
(DMA) Defense Media Activity
(P&R) Personnel & Readiness
(CPMS) Civilian Personnel Management Service
(DEOMI) Defense Equal Opportunity Management Institute
(DMDC) Defense Manpower Data Center
(SIAD) Statistical Information Analysis Division
(FVAP) Federal Voting Assistance Program
(HA) Health Affairs
(DHSD) Deployment Health Support
(RA) Reserve Affairs
(PFPA) Pentagon Force Protection Agency
(USDP) (Policy)
(AP) Asian & Pacific Security Affairs
(CEN) Central Asia
(EAS) East Asia
(SEA) South and Southeast Asia

(IS) International Security Affairs
(AFR) Africa
(EUR) Europe & NATO
(MID) Middle East
(GS) Global Security Affairs
(CMO) Coalition Affairs
(GTS) Counternarcotics, Counterproliferation, and Global Threats
(DPO) Detainee Affairs
(MPA) Defense POW Missing Personnel Affairs Office
(DSCA) Defense Security Cooperation Agency
(DTSA) Defense Technology Security Administration
(PRT) Partnership Strategies
(HD) Homeland Defense and America's Security Affairs
(CMC) Crisis Management & Defense Support for Civil Authorities
(HLD) Homeland Def.
(HSI) Homeland Security Integration
(WHA) Western Hemisphere Affairs
(PDUSDP) Policy Director
(PPO) Policy Planning
(SPD) Support for Public Diplomacy
(SO/LIC) Special Operations and Low Intensity Conflict
(FT&R) Forces Transformation & Resources
(SOC) Special Operations
(STB) Stability Operations
(STR) Strategic Capabilities
(WHMO) White House Military Office
(WHS) Wash HQ Services

(A&P) Acquisition & Procurement
(ESD) Executive Services Directorate
(GC) General Counsel
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(PENREN) Pentagon Renovation
No Nexus Response
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Not Reasonably Described
No Records Response
Not an Agency Record
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ARMY	DTRA
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USMC	NRO
	NSA
CENTCOM	NSC
EUCOM	SHAPE
JFCOM	TRICARE
NORTHCOM	
PACOM	CIA
SOCOM	C. GUARD
SOUTHCOM	DEA
STRATCOM	DHS
TRANSCOM	DOE
	DOJ
DCAA	DOL
DCMA	FAA
DECA	FBI
DFAS	FEMA
DIA	GSA
DISA	NARA
DLA	NPRC
DoDIG	OPM
DoDEA	SEC. SVC.
DSS	STATE
DTIC	VA



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

19 Nov 2008
Ref: 08-A-1575

MEMORANDUM FOR: USD ACQUISITION, TECHNOLOGY & LOGISTICS
ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the initial FOIA request, the initial Office of Freedom of Information (OFOI) determination, and the appeal in the case referenced above. Please note that while processing the initial request, OFOI only tasked the Executive Services Directorate (ESD), and ESD was unable to locate any responsive documents. We have determined that U.S. Strategic Command and/or USD Acquisition, Technology & Logistics may have responsive documents. Therefore, in order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, the following is requested:

We request that you conduct a search for responsive records. If you locate the responsive documents, please identify on the documents the information you wish withheld, if any, by bracketing such in black pencil. Cite the exemption(s) invoked and rationale on a memo addressed to this office. Also, include a "clean" copy of the documents which you located during the search of your files. Provide any additional comments which will assist in evaluating the appeal.

If upon your search, responsive documents were not found, we request details on how the search was conducted. In your memo, please advise which offices were searched and provide specific instructions on how the search was performed.

Please forward your response to this office by December 19, 2008. You may direct any questions concerning this appeal to Ms. Carol Curley at (b)(6), or

(b)(6)

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation

Attachments:
As stated



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

19 Nov 2008
Ref: 08-A-1575

MEMORANDUM FOR: U.S. STRATEGIC COMMAND
ATTN: J006 (FOIA)
901 SAC BLVD, STE 2E27
OFFUTT AFB, NE 68113-6000

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the initial FOIA request, the initial Office of Freedom of Information (OFOI) determination, and the appeal in the case referenced above. Please note that while processing the initial request, OFOI only tasked the Executive Services Directorate (ESD), and ESD was unable to locate any responsive documents. We have determined that U.S. Strategic Command and/or USD Acquisition, Technology & Logistics may have responsive documents. Therefore, in order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, the following is requested:

We request that you conduct a search for responsive records. If you locate the responsive documents, please identify on the documents the information you wish withheld, if any, by bracketing such in black pencil. Cite the exemption(s) invoked and rationale on a memo addressed to this office. Also, include a "clean" copy of the documents which you located during the search of your files. Provide any additional comments which will assist in evaluating the appeal.

If upon your search, responsive documents were not found, we request details on how the search was conducted. In your memo, please advise which offices were searched and provide specific instructions on how the search was performed.

Please forward your response to this office by December 19, 2008. You may direct any questions concerning this appeal to Ms. Carol Curley at (b)(6), or

(b)(6)

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation

Attachments:
As stated



~~SECRET~~
DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

08 NOV 2011

Ref: 08-A-1575

MEMORANDUM FOR USD POLICY (USDP)

ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the appeal, initial FOIA request, and the responsive documents. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we ask that you do the following:

Please conduct a review of the responsive documents and provide your release recommendations. For any information which you recommend remain exempt, enclose that information in brackets and send the bracketed documents to this office. Cite the FOIA exemption(s) invoked for any recommended withholding and provide your rationale for denial, along with any additional comments which will assist in evaluating the appeal.

Please forward your response to this office by December 16, 2011. You may direct any questions concerning this appeal to Ms. Danaeka Spear at (b)(6) or

(b)(6)

Sincerely,

(b)(6)

for James P. Hogan
Chief

Attachments:

- (1): Mr. Kristensen's FOIA Appeal
- (2): Mr. Kristensen's initial FOIA request
- (3): Responsive documents

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FROM CLR

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DEPARTMENT OF DEFENSE
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1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

JAN 30 2012

Ref: 08-A-1575

MEMORANDUM FOR JOINT STAFF (JS)
ATTN: DECLASSIFICATION BRANCH

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the appeal, initial FOIA request, and the responsive documents. During the initial response to this request, the requester was given a no records response. Upon appeal, a second search was conducted and the attached documents were located. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we ask that do the following:

After conducting an appellate review of the attached responsive document, the Office of the Under Secretary of Defense (Policy) (OUSD(P)) and the United States Strategic Command (USSTRATCOM) both recommended that the new located documents be partially released to the requester. We have attached their release recommendations to assist your review. We recommend withholding the information shaded in gray. Please conduct a review of the responsive documents and provide your release recommendations. For any information which you recommend remain exempt, enclose that information in brackets and send the bracketed documents to this office. Cite the FOIA exemption(s) invoked for any recommended withholding and provide your rationale for denial, along with any additional comments which will assist in evaluating the appeal.

Please forward your response to this office by February 10, 2012. You may direct any questions concerning this appeal to Ms. Danaeka Spear at (b)(6) or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

Attachments:

- (1): Mr. Kristensen's FOIA Appeal
- (2): Mr. Kristensen's initial FOIA request
- (3): Responsive documents

**UNCLASSIFIED WHEN SEPARATED
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~~SECRET~~
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DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

JAN 30 2012

Ref: 08-A-1575

MEMORANDUM FOR USD ACQUISITION, TECHNOLOGY & LOGISTICS (AT&L)

ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the appeal, initial FOIA request, and the responsive documents. During the initial response to this request, the requester was given a no records response. Upon appeal, a second search was conducted and the attached documents were located. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we ask that do the following:

After conducting an appellate review of the attached responsive document, the Office of the Under Secretary of Defense (Policy) (OUSD(P)) and the United States Strategic Command (USSTRATCOM) both recommended that the new located documents be partially released to the requester. We have attached their release recommendations to assist your review. We recommend withholding the information shaded in gray. Please conduct a review of the responsive documents and provide your release recommendations. For any information which you recommend remain exempt, enclose that information in brackets and send the bracketed documents to this office. Cite the FOIA exemption(s) invoked for any recommended withholding and provide your rationale for denial, along with any additional comments which will assist in evaluating the appeal.

Please forward your response to this office by February 10, 2012. You may direct any questions concerning this appeal to Ms. Danaeka Spear at (b)(6) or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

Attachments:

- (1): Mr. Kristensen's FOIA Appeal
- (2): Mr. Kristensen's initial FOIA request
- (3): Responsive documents

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DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

APR 2 2012

Ref: 05-A-1575-A1

MEMORANDUM FOR USD POLICY (USDP)

ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the FOIA request and the appeal in the case referenced above. The requester is appealing the no records determination in response to his request. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, the following is requested:

We ask that you conduct a new search for records responsive to this request. In particular, we are asking that you conduct a search for the Global Strike report issued by the Secretary of Defense to Congress in October 2005. If a responsive record is found, review the document and bracket any information which you recommend not be released. Cite the FOIA exemption(s) invoked for any recommended withholding, and provide your rationale for denial. Also, include another copy of the documents which are "clean," with no markings or brackets.

If upon your search, responsive documents were not found, we request details on how the search was conducted. In your memo, please advise which offices were searched and provide specific instructions on how the search was performed. In addition to the details of the search, please provide this office with a detailed explanation as to why the records may no longer exist.

Please forward your response to this office by April 20, 2012. You may direct any questions concerning this appeal to Ms. Danaeka Spear at (b)(6) or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan

Attachments:

- (1): Mr. Kristensen's FOIA Appeal
- (2): Mr. Kristensen's initial FOIA request



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

AUG 3 2012

Ref: 08-A-1575

MEMORANDUM FOR USD ACQUISITION, TECHNOLOGY & LOGISTICS (AT&L)

ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the appeal, initial FOIA request, and the responsive documents. During the initial response to this request, the requester was given a no records response. Upon appeal, a second search was conducted and the attached document was located. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we ask that do the following:

After conducting an appellate review of the attached responsive document, the Office of the Under Secretary of Defense (Policy) (OUSD(P)) recommended that the new located document be released in full to the requester. Please conduct a review of the responsive documents and provide your release recommendations. For any information which you recommend remain exempt, enclose that information in brackets and send the bracketed documents to this office. Cite the FOIA exemption(s) invoked for any recommended withholding and provide your rationale for denial, along with any additional comments which will assist in evaluating the appeal.

Please forward your response to this office by August 15, 2012. You may direct any questions concerning this appeal to Ms. Danaeka Spear at (b)(6), or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

Attachments:

- (1): Mr. Kristensen's FOIA Appeal
- (2): Mr. Kristensen's initial FOIA request
- (3): Responsive document



FEDERATION OF AMERICAN SCIENTISTS

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- * Arno A. Penzias
- * Martin L. Perl
- * George Rothjens
- * Burton Richter
- * Richard J. Roberts
- * J. Robert Schrieffer
- * Andrew Sessler
- * Phillip A. Sharp
- * R. Barry Sharpless
- * Stanley K. Sheminbaum
- * Richard E. Smalley
- * Robert M. Solow
- * Jack Steinberger
- * Joseph Stiglitz
- * Henry Taube
- * Daniel Tsui
- * Charles H. Townes
- * Frank von Hippel
- * Robert A. Weinberg
- * Steven Weinberg
- * Torsten N. Wiesel
- * Alfred Yankauer
- * Herbert F. York
- * Nobel Laureate

October 10, 2008

Mr. James Hogan
Chief, Policy, Appeals and Litigation Branch
Department of Defense
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC-20301-1155

FOIA APPEAL

Sir,

This is an appeal of DOD FOIA no documents decision (see enclosed copy) in response to my request for

1. The conventional prompt strike research and development testing plan recently (around April 2008) submitted to Congress
2. The April 2006 Global Strike Joint Capabilities Document

The search appears to have been inadequate. Both documents are referenced on pages 41 and 43, respectively, of the GAO report Military Transformation: DOD Needs to Strengthen Implementation of Its Global Strike Concept and Provide a Comprehensive Investment Approach for Acquiring Needed Capabilities (GAO-08-325) from April 2008.

I appreciate very much your help in obtaining this information and look forward to hearing from you. If you have any questions, please feel free to call me at (b)(6)

(b)(6) fax me at (b)(6) or communicate via e-mail to

(b)(6) Thank you in advance for your assistance.

Sincerely,

(b)(6)
Hans M. Kristensen
Project Director

Board of Directors

Tara O'Toole
Chair

Steven Weinberg
Vice Chair

Jonathan Silver
Secretary-Treasurer

Henry Kelly
President

Rosina Bierbaum
Francois Castaing
David Foster

Richard Garwin
Lawrence Grossman
Eamon Kelly

Norman Neureiter
Jane Owen
Kumar Patel

Judith Reppy
Art Rosenfeld
Shankar Sastry

Maxine Savitz
Richard Wald

Ex officio: Carl Kaysen, Robert Solow, Frank von Hippel



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

08 NOV 2011

Ref: 08-A-1578

Mr. Hans M. Kristensen
Federation of American Scientist
1725 DeSales Street, NW
6th Floor
Washington, DC 20036

Dear Mr. Kristensen:

This is in response to your October 10, 2008, Freedom of Information Act (FOIA) appeal, concerning the no records response from the Office of Freedom of Information to the FOIA request referenced above.

During the appellate review, we expanded the search to include United States Strategic Command (USSTRATCOM). USSTRATCOM located record(s) that may be responsive to item 2 of your initial request. Therefore, I am forwarding this request to USSTRATCOM in order to make a releasability determination regarding the newly located document(s). USCENCOM will give you new appeal rights, if it is determined that any information is exempt from disclosure.

Please be advised that we are continuing to process item 1 of your initial request.

Sincerely,)

b(6)

James P. Hogan
Chief

CC: USSTRATCOM

08-F-1578



FEDERATION OF AMERICAN SCIENTISTS

T: 202/546-3300
F: 202/675-1010

1725 DeSales Street, NW, 6th Floor, Washington, DC 20036

www.fas.org
fas@fas.org

Thursday, July 24, 2008

FOIA Number: 08-018

Freedom of Information Act Manager
Directorate for Freedom of Information and Security Review
The Pentagon, Room 2C757
Washington DC 20301-1155

Dear madam/sir:

This is a request under the federal Freedom of Information Act, 5 USC 552, as amended. I request copies of the following:

1. The conventional prompt global strike research and development testing plan recently (around April 2008) submitted to Congress.
2. The April 2006 Global Strike Joint Capabilities Document.

Through this request, I am gathering information on a subject of current and ongoing interest to the public. As a co-author to the bi-monthly *Bulletin of the Atomic of the Atomic Scientists* and the *SIPRI Yearbook*, a Project Director with the Federation of American Scientists – a news media-type entity that collects information for analysis and distribution to the public for news and educational purposes on a non-commercial basis – and as a frequent consultant to the news media, I have both the experience and ability to analyze and disseminate the information.

I am willing to pay all reasonable fees for this request, but ask that you inform me if you expect the fees will exceed \$50. Due to my status described above, as reaffirmed by the Office of the Secretary of Defense in several appeal cases, I meet the statute's definition for a "representative of the news media" and therefore am only required to pay for the direct cost of duplication after the first 100 pages. Even so, the statute permits the waiver of fees beyond that where the information is obtained on a non-commercial basis and will contribute to the public's understanding of the operations of the government. I request therefore that any applicable fees be waived.

In the event the document requested is currently and properly classified, I ask that you release all segregable portions. As you know, an agency cannot rely simply on existing markings in a document for release determination, but must perform a specific review to determine if the information is currently and properly classified and which segregable portions can be released without causing significant damage to national security. I also ask that you identify all documents identified in the search for this request.

I appreciate very much your help in obtaining this information and look forward to hearing from you within 20 days, as the statute requires. If you have any questions regarding this request, please feel free to call me at (b)(6) fax me at (b)(6) or communicate via e-mail to (b)(6)

Thank you in advance for your assistance.

Sincerely,

(b)(6)

Dans M. Kristensen.

FREEDOM OF INFORMATION ACT REQUEST INTERIM RESPONSE

1. DATE OF REQUEST	2. DATE RECEIVED	3. CASE WORKLOAD	4. CASE NUMBER
JUL 24 2005	SEP 30 2005	2005	S-F-1578

This is an interim response to your Freedom of Information Act (FOIA) request, received in this office on the above date. Your request has been assigned the case number indicated above, and is being processed as quickly as possible in accordance with procedural requirements promulgated in DoD Regulation 5400.7-R at 32 CFR 286. The actual processing time will depend upon its complexity, whether it involves sensitive records, voluminous records, extensive searches, consultation among DoD components or other agencies, and our administrative workload which is listed in block 3 above.

If you have any questions, please call (703) (b)(6) and ask for

(b)(6)

Office of Freedom of Information and Security Review
Room 2C757, 1155 Defense Pentagon, Washington, DC 20301-1155



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

21 AUG 2008

Ref: 08-F-1578
FOIA Number: 08-018

Mr. Hans M. Kristensen
Federation of American Scientists
1725 DeSales Street, NW
6th Floor
Washington, DC 20036

Dear Mr. Kristensen:

This is in response to your July 24, 2008 Freedom of Information Act (FOIA) request for copies of "1. The conventional prompt global strike research and development testing plan recently (around April 2008) submitted to Congress. 2. The April 2006 Global Strike Joint Capabilities Document." We received your request on July 30, 2008.

The Executive Services Directorate (ESD), a component of the Office of the Secretary of Defense, searched its files for records such as those described in your request. The ESD concluded its search, however, without finding any responsive records.

Should you deem this response to be a denial of your request, you may administratively appeal to James Hogan, Chief, Policy, Appeals and Litigation Branch at the above address. Your appeal should be postmarked no later than 60 days after the date of this letter, should cite to case number 08-F-1578, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

(b)(6)

Will Kammer
Chief



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

19 Nov 2008
Ref: 08-A-1578

MEMORANDUM FOR: USD ACQUISITION, TECHNOLOGY & LOGISTICS
ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the initial FOIA request, the initial Office of Freedom of Information (OFOI) determination, and the appeal in the case referenced above. Please note that while processing the initial request, OFOI only tasked the Executive Services Directorate (ESD), and ESD was unable to locate any responsive documents. We have determined that U.S. Strategic Command and/or USD Acquisition, Technology & Logistics may have responsive documents. Therefore, in order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, the following is requested:

We request that you conduct a search for responsive records. If you locate the responsive documents, please identify on the documents the information you wish withheld, if any, by bracketing such in black pencil. Cite the exemption(s) invoked and rationale on a memo addressed to this office. Also, include a "clean" copy of the documents which you located during the search of your files. Provide any additional comments which will assist in evaluating the appeal.

If upon your search, responsive documents were not found, we request details on how the search was conducted. In your memo, please advise which offices were searched and provide specific instructions on how the search was performed.

Please forward your response to this office by December 19, 2008. You may direct any questions concerning this appeal to Ms. Carol Curley at (b)(6), or

(b)(6)

(b)(6)

For
James P. Hogan
Chief, FOIA Policy, Appeals and Litigation

Attachments:
As stated



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

17 MAR 2009

17 MAR 2009
Ref: 08-A-1575
1578

MEMORANDUM FOR: JOINT STAFF

ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the initial FOIA request, the initial Office of Freedom of Information (OFOI) determination, and the appeal in the case referenced above. Please note that while processing the initial request, OFOI only tasked the Executive Services Directorate (ESD), and ESD was unable to locate any responsive documents. On appeal, we initially determined that U.S. Strategic Command and/or USD Acquisition, Technology & Logistics (AT&L) may have responsive documents, and we asked them to conduct a search. AT&L responded with a no records determination. However, AT&L stated that J8 is the office of primary responsibility (copy attached).

Therefore, we request that you conduct a search for responsive records. If you locate the responsive documents, please identify on the documents the information you wish withheld, if any, by bracketing such in black pencil. Cite the exemption(s) invoked and rationale on a memo addressed to this office. Also, include a "clean" copy of the documents which you located during the search of your files. Provide any additional comments which will assist in evaluating the appeal.

If upon your search, responsive documents were not found, we request details on how the search was conducted. In your memo, please advise which offices were searched and provide specific instructions on how the search was performed.

Please forward your response to this office by April 15, 2009. You may direct any questions concerning this appeal to Ms. Carol Curley at (b)(6) or

(b)(6)

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation

Attachments:

As stated



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

08 NOV 2011

Ref: 08-A-1578

MEMORANDUM FOR USD POLICY (USDP)

ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the appeal, initial FOIA request, the initial response to the requester, and the responsive documents. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we ask that do the following:

Please conduct a review of the responsive documents and provide your release recommendations. For any information which you recommend remain exempt, enclose that information in brackets and send the bracketed documents to this office. Cite the FOIA exemption(s) invoked for any recommended withholding and provide your rationale for denial, along with any additional comments which will assist in evaluating the appeal.

Please forward your response to this office by December 16, 2011. You may direct any questions concerning this appeal to Ms. Danaeka Spear at (b)(6), or (b)(6).

Sincerely,

(b)(6)

for James P. Hogan
Chief

Attachments:

- (1): Mr. Kristensen's FOIA Appeal
- (2): Mr. Kristensen's initial FOIA request
- (3): Responsive documents



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

08 NOV 2011

Ref: 08-A-1578

MEMORANDUM FOR UNITED STATES STRATEGIC COMMAND
USSTRATCOM J006
901 SAC BLVD, STE 2E27
OFFUTT AFB, NE 68113
ATTN: KENDALL COPPER

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

On October 10, 2008, Mr. Hans Kristensen, appealed the adequacy of search for documents related to his July 24, 2008 Freedom of Information Act (FOIA) request. Upon appeal, we asked USSTRATCOM to conduct a search for responsive documents. On November 7, 2011, you notified us that you located new documents responsive to the request.

Since these newly located documents have not been processed at the initial level, I am forwarding this case to your office to open as an initial request and process the newly located responsive documents. Please respond directly to Mr. Jones. If you deny any information, please provide Mr. Jones with new appeal rights. The requester has been notified of this action [copy attached].

You may direct any questions concerning this memorandum to Ms. Danaeka Spear at

(b)(6) or (b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

Attachment:
As stated



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

JAN 26 2012

Ref: 08-A-1578

MEMORANDUM FOR USD ACQUISITION, TECHNOLOGY & LOGISTICS (AT&L)

ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Hans M. Kristensen

Attached are copies of the appeal, initial FOIA request, and the responsive documents. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we ask that do the following:

Please conduct a review of the responsive documents and provide your release recommendations. For any information which you recommend remain exempt, enclose that information in brackets and send the bracketed documents to this office. Cite the FOIA exemption(s) invoked for any recommended withholding and provide your rationale for denial, along with any additional comments which will assist in evaluating the appeal.

Please forward your response to this office by February 10, 2012. You may direct any questions concerning this appeal to Ms. Danacka Spear at (b)(6) or

(b)(6)

Sincerely

(b)(6)

for

James P. Hogan
Chief

Attachments:

- (1): Mr. Kristensen's FOIA Appeal
- (2): Mr. Kristensen's initial FOIA request
- (3): Responsive documents

The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Phone: 202/994-7000
Fax: 202/994-7005
nsarchiv@gwu.edu
<http://www.nsarchive.org>

12 November 2007

Mr. James Hogan
Policy, Appeals and Litigation Branch
Office of Freedom of Information
1155 Defense Pentagon
Washington, D.C. 20301-1155

92-A-0347-A1
920158 DOD 019

Re: 92-F-0347

Dear Mr. Hogan:

This is an administrative appeal under the Freedom of Information Act. Through a letter dated 1 November 2007, the Office of Freedom of Information released several documents concerning the Joint Strategic Objectives Plan (JSOP)-70. Three documents were excised and one, the "Nuclear Annex" was withheld in its entirety. I request further review of the exempted material to determine whether additional information may be released without harm to national security. I also ask the reviewers of this appeal to take into account previously declassified material that is directly relevant to the information withheld from these documents. Some information relating to U.S. nuclear strategy during the 1960s has been withheld from these reports. Nevertheless, the key concepts of the Single Integrated Operational Plan (SIOP) as it stood during the 1960s and early 1970s has already been declassified. With this I enclose several declassified documents that disclose the three SIOP tasks, e.g., Task I, destruction of Sino-Soviet "strategic nuclear delivery capabilities located outside urban areas," as well as the five major SIOP options that could be executed on a retaliatory or preemptive basis (see enclosure 1 and 2). These declassifications should make it possible for your office to release more information from these documents without harm to national defense.

Also withheld from these documents is information relating to damage and fatalities in the United States and the former Soviet Union as a result of a nuclear exchange. A largely declassified 1962 report by the National Security Council's Net Evaluation Subcommittee (see enclosure 3) provides a detailed account of a scenario involving a hypothetical pre-emptive counterforce strike against Soviet strategic nuclear forces. You may note that this document includes details on Sino-Soviet target systems (p. 81), damage to Sino-Soviet military installations (p. 97) and civilian casualties in the Sino-Soviet bloc (p. 98), as well as corresponding damage and destruction in the United States (pp. 92-95). Also relevant to the excised portions on fatalities and damage is a 1963 White House staff report commenting on Defense Department budget analysis (see enclosure 4). Details on Soviet strategic missiles derived from U.S. intelligence sources are also withheld from these reports. In light of CIA releases of NIEs on Soviet strategic forces from the mid-1960s (see enclosure 5) it should be possible to declassify more of the excised strategic intelligence.

As sensitive as these JSOP documents were forty years ago, the passage of time and the routine declassification of more information on U.S. nuclear planning during the 1960s suggests that the Defense Department can release more from these documents without harm to national security.

Sincerely,

(b)(6)

William Burr

An independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax-deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's budget.



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

30 NOV 2007

Ref: 92-A-0347
920158DOD019

Mr. William Burr
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Dear Mr. Burr:

This is in response to your November 12, 2007, Freedom of Information Act (FOIA) appeal.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Mr. Michael Bell at (b)(6) or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation
Branch

92-FGT-0347

THE NATIONAL SECURITY ARCHIVE

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

2/18/1992

IN ALL CORRESPONDENCE PLEASE REFER
TO ARCHIVE FILE NO. 920158D0D019

Mr. Charlie Y. Talbott
Chief, FOI Division
Department of Defense
OASD (PA), Rm 2C757, The Pentagon
Washington, DC 20301

RE: Freedom of Information Act Request

Dear Mr. Talbott:

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.

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,

(b)(6)

William Burr

Attachment



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

NOV 31 2007

Ref: 92-F-0347

Mr. William Burr
The National Security Archive
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, DC 20037

Dear Mr. Burr:

This is in response to your Freedom of Information Act (FOIA) request dated February 18, 1992, Archive # 920158DOD019, which was amended on November 28, 2006, to be for, "JSOP Volume 1, parts 1-6, and annex 7 (Annex C (Nuclear)) and annex 10 (Annex F (Chemical, Biological and Radiological Warfare))." The three enclosed documents are provided as responsive to your request.

Mr. Jeffrey A. Zarkin, Director, Document Declassification Division, Office of Classified and Controlled Information Review, Office of Security, Department of Energy; Ms. Margaret A. Bestrain, Chief, Public Access Branch, Defense Intelligence Agency; Mr. Edmond F. McBride, Chief, Information Management Division; and Mr. John J. Biniaz, Principal Director, Nuclear, Chemical, and Biological Defense Programs have determined that the deleted information in the enclosed documents is exempt from release because it is currently and properly classified in accordance with Executive Order 12958, as amended, specifically, Sections 1.4 (a) concerning military plans, weapons, or operations, Section 1.4 (d) concerning foreign relations or foreign activities of the United States, including confidential sources, Section 1.4 (g) concerning vulnerabilities or capability of systems, installations, infrastructures, projects, plans or protection services relating to the national security, which includes defense against transnational terrorism, and Section 1.4 (h) concerning weapons of mass destruction. The information denied is also exempt from automatic declassification in accordance with Section 3.3 (b)(2) concerning information that would assist in the development of use of weapons of mass destruction; Section 3.3 (b)(5) pertaining to military war plans which remain in effect; Section 3.3 (b)(6), concerning information, including foreign government information, the release of which would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States; Section 3.3 (b)(8) pertaining to information the release of which would seriously and demonstrably impair current national security emergency preparedness plans or reveal current vulnerabilities of systems, installations, infrastructures, or projects relating to the national security, and Section 3.3 (b)(9) concerning information the release of which could violate a statute,

treaty, or international agreement. Additionally, some information has been denied because it pertains to information which if released would allow circumvention of an agency rule, policy, or statute, thereby impeding the agency in the conduct of its mission. Portions of the document are also denied pursuant to 5 USC § 552(b) (3), which applies to information specifically exempted by a statute establishing particular criteria for withholding. In this instance, the statute is 42 USC § 2168 (a) (1) (C) which provides withholding Formerly Restricted Data under the Atomic Energy Act of 1954. Some information is also exempt from release pursuant to 5 U.S.C. § 552(b)(5), which pertains to certain inter- or intra-agency communications protected by the deliberative process privilege. Accordingly, this information is denied pursuant to 5 USC § 552 (b)(1), (b)(2), (b)(3), and (b)(5). Additionally one document, annex 7 (Annex C (Nuclear)), totaling 26 pages has been denied in full under 5 USC § 552 (b)(1) and (b)(3).

If you are dissatisfied with this action you may submit an appeal to this Office, by writing to James Hogan, Chief, Policy, Appeals and Litigation Branch, Office of Freedom of Information, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal letter should be postmarked within 60 calendar days of the date of this letter and should cite case number 92-F-0347. Inasmuch as this completes the processing of your request, I am closing your file in this Office. There are no fees associated with this response.

Sincerely,

(b)(6)

for Will Kammer
Chief

Enclosures .
As stated

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No:

92-A-0347A

ACTION ASSIGNED TO _____ TEAM: A B C PMB REVIEWER DH CARD

TYPE REQUEST: *Appeal Commercial Educational News/Media NonCom/Scientific Other*

EXPEDITED RESPONSE REQUESTED _____ GRANT? Y N DCII CHECK _____

UP-FRONT DOCUMENT SEARCH _____ FEE WAIVER REQUESTED _____ DATE RECEIVED:

REMARKS:

CLOSED WITHDRAWN

(ASBCA) Armed Services Board of Contract Appeals
(AT&L) Acquisition, Technology, & Logistics
(A&T) Acquisition & Technology
(DAU) Defense Acquisition University
(DPAP) Defense Procurement & Acquisition Policy
(DARC) Defense Acquisition Regulation Council
(PSA) Portfolio Systems Acquisition
(TC) Treaty Compliance
(SBP) Small Business Programs
(BT) Business Transformation
(BTA) Business Transformation Agency
(DDR&E) Defense Research and Engineering
(AS&C) Advanced Systems & Concepts
(DARPA) Defense Advanced Research Projects Agency
(DMEA) Defense Micro Electronics Activity
(DSB) Defense Science Board
(I&E) Installations & Environment
(ECOADJ) Economic Adjustment
(L&MR) Logistics & Material Readiness
(IC) International Cooperation
(MDA) Missile Defense Agency
(NCB) Nuclear, Chemical, & Biological Defense Programs
(SPPGMS) Special Programs
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)
(COMP) Comptroller
(PA&E) Program Analysis & Evaluation
(DPO) Defense Privacy Office
(EXSEC) The Exec. Secretariat

E-FOIA REPLY

(I) Intelligence
(CIFA) Counterintelligence Field Activity
(JS) Joint Staff
(LA) Legislative Affairs
(NDU) National Defense Univ.
(NI) Networks and Information Integration
(NSPS) National Security Personnel System
(NSSG) National Security Study Group
(ODNA) Office of the Director, Net Assessment
(OGC) Office of General Counsel
(DOHA) Director, Office of Hearings and Appeals
(OSAWHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison
(PA) Public Affairs
(DVIC) Defense Visual Information Center
(P&R) Personnel & Readiness
(CPMS) Civilian Personnel Management Service
(DEOMI) Defense Equal Opportunity Management Institute
(DMDC) Defense Manpower Data Center
(SIAD) Statistical Information Analysis Division
(FVAP) Federal Voting Assistance Program
(HA) Health Affairs
(DHSD) Deployment Health Support
(RA) Reserve Affairs
(USUHS) Uniformed Services University of Health Sciences
(PFPA) Pentagon Force Protection Agency
(USDP) USD (Policy)
(AP) Asian & Pacific Security Affairs
(CEN) Central Asia

(EAS) East Asia
(SEA) South and Southeast Asia
(IS) International Security Affairs
(AFR) Africa
(EUR) Europe & NATO
(MID) Middle East
(GS) Global Security Affairs
(CMO) Coalition Affairs
(GTS) Counternarcotics, Counterproliferation, and Global Threats
(DPD) Detainee Affairs
(MPA) Defense POW Missing Personnel Affairs Office
(DSCA) Defense Security Cooperation Agency
(DTSA) Defense Technology Security Administration
(PRT) Partnership Strategies
(HD) Homeland Defense and America's Security Affairs
(CMC) Crisis Management & Defense Support for Civil Authorities
(HLD) Homeland Def.
(HSI) Homeland Security Integration
(WHA) Western Hemisphere Affairs
(PDUSDP) Policy Director
(PPO) Policy Planning
(SPD) Support for Public Diplomacy
(SO/LIC) Special Operations and Low Intensity Conflict
(FT&R) Forces Transformation & Resources
(SOC) Special Operations
(STB) Stability Operations
(STR) Strategic Capabilities

(WHMO) W. H. Military Office
(WHS) Washington Headquarters Service
(A&P) Acquisition & Procurement
(ESD) Executive Services Directorate
(GC) General Counsel
(HRD) Human Resources
(PENREN) Pentagon Renovation
No Nexus Response
Not a Proper Request Reply
Not Reasonably Described
No Records Response
Not an Agency Record
Verification Response

ARMY	DTRA
NAVY	NGA
USAF	NGB
USMC	NSA
	NSC
CENTCOM	SHAPE
EUCOM	TRICARE
JFCOM	
NORTHCOM	
PACOM	CIA
SOCOM	C. GUARD
SOUTHCOM	DEA
STRATCOM	DHS
TRANSCOM	DOE
	DOJ
DCAA	DOL
DCMA	FAA
DECA	FBI
DFAS	FEMA
DIA	GSA
DISA	NARA
DLA	NPRC
DoDIG	OPM
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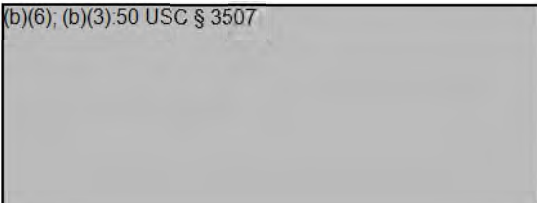
Department of the Air Force
11 CS/SCSR (FOIA)
1000 Air Force Pentagon
Washington, DC 20330-1000

Defense Intelligence Agency
Attn: SVI-1
Washington, DC 20340-5100

Department of the Navy
Chief of Naval Operations
N09B30
2000 Navy Pentagon
Washington, DC 20350-2000

U.S. Department of Energy
S0223 Germantown
P.O. Box A
Germantown, MD 20875-0963

(b)(6); (b)(3); 50 USC § 3507



~~TOP SECRET/NOFORN~~



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

FEB 02 2010

Ref: 92-A-0347

MEMORANDUM FOR: U.S. DEPARTMENT OF ENERGY
ATTN: (b)(6) HS-91
P.O. BOX A
GERMANTOWN, MD 20875-0963

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. William Burr

Per your request, I am forwarding a copy of Document #10 for the referenced
FOIA appeal. If you have any additional questions, please contact our action officer

Carol Curley at (b)(6) or (b)(6)

(b)(6)

James P. Hogan
Chief

Attachment:
As stated

~~TOP SECRET/NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURES

~~TOP SECRET/RO~~



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

04 NOV 2009

Ref: 92-A-0347

MEMORANDUM FOR: **DEPARTMENT OF ENERGY**
ATTN: (b)(6) HS-93
P.O. BOX A
GERMANTOWN, MD 20875-0963



JOINT STAFF (JS)

ATTN: (b)(6)

**ASD NUCLEAR CHEMICAL AND BIOLOGICAL
DEFENSE PROGRAMS (NCB)**

ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. William Burr

Attached are copies of the initial decision and the FOIA appeal in the case referenced above. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we request that you conduct another review of the attached responsive documents.

While processing the initial FOIA request, OFOI partially released two documents (TS #s 1 and 10) and denied-in-full one document (TS # 7) based on determinations from DOE, JS, and NCB. For your information, the initial determinations (SD Forms 472, etc.) are attached.

For your ease of reference, we annotated the currently denied information to show which agency initially recommended withholding. We conducted an independent appellate review, taking into consideration some previously released information, and we recommend, at a minimum, the information highlighted in yellow be released on appeal. Since we believe even more information should also be released, we request that you conduct a line-by-line review of the information currently denied. For any information you determine should remain withheld, bracket the information in RED, cite the FOIA exemption(s) invoked, and provide your rationale for withholding.

~~TOP SECRET/RO~~

UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS

You may direct your response and any questions concerning this appeal to Ms. Carol Curley at (b)(6) or (b)(6).

(b)(6)

For
James P. Hogan
Chief

Attachments:

- (1) Initial Decision
- (2) FOIA Appeal
- (3) Background Information (SD Forms 472 etc)
- (4) Responsive Docs as follows:
 - (a) Docs to DOE: TS # 1 and 7
 - (b) Docs to JS: TS #'s 1, 7 and 10
 - (c) Docs to NCB: TS #'s 1, 7 and 10

The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Phone: 202/994-7000
Fax: 202/994-7005
nsarchiv@gwu.edu
<http://www.nsarchive.org>

6 September 2008

Mr. James Hogan
Policy, Appeals and Litigation Branch
Office of Freedom of Information
1155 Defense Pentagon
Washington, D.C. 20301-1155

Re: 92-F-0988

Dear Mr. Hogan:

This is an administrative appeal under the Freedom of Information Act. Through a letter dated 19 August 2008, the Defense Department's Office of Freedom of Information released a number of excised documents concerning U.S. strategic policy during 1972. I ask for further declassification review of the excised and withheld pages to determine whether additional details may be released without harm to national security. I also ask the reviewers of this appeal to take into account previously declassified information, some of which was once highly sensitive intelligence. With all due respect to the senior officials who signed off on the withholdings, much of the information that they believe is secret is not and its release would not harm national security. I will discuss the excisions on a document by-document basis.

1. "Status Report on NSDMs (National Security Decision Memoranda)," n.d.

A heavily excised portion of this document concerns NSDM 26 on "Criteria for Strategic Sufficiency," from June 1969. As noted in previous appeals, this document has been declassified for years (see enclosure 1) and it is unnecessary to withhold any discussion of its contents. Also excised from item 12 (p. 2) is the title of a NSDM. As the titles of the NSDMs have all been declassified (see enclosure 2), it should be possible to release this information without harm to national security.

Excised from item 28, concerning NSDM 132, "Modification of SSBN Commitments to NATO," is the reference to Poseidon SLBMs. This NSDM has been in the declassified public domain for years (see enclosure 2A); it should be a routine decision to release the Poseidon reference.

2. Secretary Laird to the President, "New Ballistic Missile Submarine Program," 4 January 1972.

Withheld from this lightly excised document are estimated ranges for the ULMS-1 and ULMS-2 (later Trident 1 and 2) submarine-launched ballistic missiles. The desired ranges--from 4,000 to 6,000 n.m.--for the Trident SLBMs is also in the declassified record, some of it on-line as published by the Defense Department and the Navy Department, (see enclosures 3, 4, and 5, at page 32) and should be releasable without harm to national security.

3. Secretary Laird to the President, "New Ballistic Missile Submarine Program," 26 January 1972, attached to "Submarine-Launched Ballistic Missile Deployment Options." These heavily excised documents discuss proposals for accelerating the ULMS program and alternative programs (e.g., converting attack submarines to SSBNs). The Nixon Presidential Library and the Navy Department have released significant material on the SSBN options, including projected ranges for ULMS missiles, numbers of weapons (warheads), and targeting priorities, so has the

An independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax-deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's budget.

Defense Department in previous FOIA releases (see enclosures 6 through 9). Moreover, information in enclosures 3, 4, and 5 cited above is also relevant (e.g., range for Poseidon missile in enclosure 5)

4. "S.L.B.M.," n.d.

Information on the possible vulnerability of U.S. installations to Soviet SLBMs, excised from the first lines of this document, has been disclosed in declassified CIA and Defense Department material from the early 1970s (see enclosures 10 and 11). It should be possible to release this information without harm to national security.

5. "Talking Points – Nuclear Weapons Employment Policy (Kissinger Breakfast – July 24, 1972)"

In light of previously declassified NSC information on the Defense Department's review of nuclear targeting policy (see enclosures 12 and 13), the excised material in the second paragraph should be ripe for declassification.

6. "NSC Charts", n.d.

Among the excisions from these charts are numbers for Soviet strategic forces (chart 6), U.S. and Soviet total strategic weapons (chart 7), PRC and North Korean division forces, troop strength, and tactical aircraft (chart 10), and Soviet strategic defense forces (chart 11). Much of this information is no longer secret and should be easily releasable. The CIA has released detailed information on numbers of Soviet ICBMs, SLBMs, and bombers as of 1972 (see enclosure 14, at pages 2 and 14). It has also declassified estimates of PRC troop strength and aircraft (see enclosure 15) and numbers of Soviet air and missile defense forces (see enclosure 16, table 2). Finally, years ago, the Defense Department publicly released its own estimates of U.S. and Soviet nuclear weapons (see enclosure 17 at p. 40, as well as enclosure 18). Again, the withheld information from these charts should be easily releasable.

7. "General Purpose Forces Program Impact in a Strategic Arms Limitation Environment," 21 July 1972

I question whether declassifying any of the withheld sentences and phrases from this 1972 document would cause any harm to national security. Certainly in light of previously declassified material discussed above (e.g., enclosures 12 and 13, as well as in publicly available information in enclosure 17 at pages 61 through 64), the excised portions should be ripe for release.

8. "National Security Assurances in a Strategic Arms Limitation Environment," 2 June 1972. As sensitive as this document was back in the early 1970s, much of it should be releasable now. Heavily excised sections, such as appendixes D and E, concern research and development and strategic programs and improvements supported by the JCS. Again, much declassified and public record information is available, such as Secretary of Defense Laird's annual report to Congress for FY 1973, with a long list of strategic proposals, such as deployment of short-range attack missiles (SRAMs), development of B-1 bomber and ULMS, deployment of 550 Minuteman IIIs, development of a new satellite early warning system, and developing the Hard-Site ABM program for defense of Minuteman (see enclosure 17 at pages 61-78). Other declassified documents from this period discuss further the Hard-Site and other strategic programs (see enclosures 19 and 20). Moreover, documents from this period declassified by the NSC and the State Department also show that the Department of Defense was beginning to seek more accurate re-entry vehicles (RVs) for Minuteman and Trident to enhance "hard target" counterforce capabilities (see enclosures 21, 22, and 23). Also potentially relevant to the excised portions is a JCS objective during this period for a "capability to enforce relatively favorable war outcomes" (i.e., to "ensure that the United States would emerge in a position of relative advantage from any level of strategic nuclear warfare.") (See enclosure 24, at pages 1 and Tab A). The cumulative weight of these declassifications should enable the Defense Department to release substantially more information from the withheld portions.

Another subject of withholdings from this document (e.g., page 3 and appendix C) is arms control verification. As sensitive as this issue was at the time, since then the CIA and the NRO have declassified the role of reconnaissance satellites and satellite photography in arms control verification and significant information on this subject is in the declassified public record (see enclosures 25, 26, and 27). In addition, the heavy excisions in the section on verification suggests the possibility that the reviewers have not taken fully into account the declassified status of the SALT I agreements as well as the U.S. "unilateral" statements concerning the agreements and related declassified information about the agreements (see, for examples, enclosures 19, 28, 29, and 29A). It should be possible to release much more information from this document without harm to national security.

A major subject of withholdings from this document is intelligence information on Soviet strategic and defensive forces (e.g. appendixes B and C). Again, as noted before, the CIA and other intelligence agencies have declassified so much information on Soviet strategic forces as well as Soviet missile defenses and related technology (See enclosures 14 and 16, as well as 30, 31, and 32) that it should be possible to release much more information from the appendices without harm to national security. Incidentally, page 1 of appendix B has an excised allusion (most likely) to the U.S. advantage in nuclear warheads (RVs). The Defense Department can easily release information on this advantage because information on it, including numbers of U.S. and Soviet warheads) has been in the declassified public record for years (see enclosures 17, 18, 33, and 34).

9. "Program Impact of National Security Assurances in a Strategic Arms Limitation Environment," 17 July 1972.

Much of the declassified information discussed above, with reference to document 8, such as Pentagon program objectives (see enclosures 17 and 21, for example) should be relevant to declassifying more information from this document. I was surprised that the reviewers of this appeal withheld, from page 1 of the document, the number of proposed Safeguard ABM sites. That Nixon proposed a four-site system has been in the public record for years (see enclosures 35 and 36); the original 12-site concept has also been in the declassified record for some time (see enclosure 37, for example).

Sincerely,

(b)(6)

William Burr



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

17 SEP 2008

Ref: 92-A-0988
920548DOD077

Mr. William Burr
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

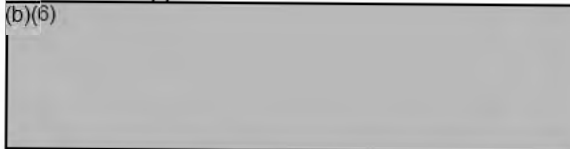
Dear Mr. Burr:

This is in response to your September 6, 2008, Freedom of Information Act (FOIA) appeal.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Mr. Michael Bell at (703) 696-4695, or michael.bell@whs.mil.

Sincerely,

(b)(6)



James P. Hogan

Chief, FOIA Policy, Appeals and Litigation
Branch

92-FOI-0988

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. 920548DOD077

8 MAY 1992

Mr. Charlie Y. Talbott
Chief, FOI Division
Department of Defense
OASD (PA), Rm 2C757, The Pentagon
Washington, DC 20301

RE: Freedom of Information Act Request

Dear Mr. Talbott:

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.

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,

(b)(6)

William Burr

Attachment



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

19 AUG 2008

Ref: 92-F-0988

Mr. William Burr
The National Security Archive
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, DC 20037

Dear Mr. Burr:

This is in response to your Freedom of Information Act (FOIA) request dated May 8, 1992, Archive # 920548DOD077, which was received in this Office on May 12, 1992 (copy enclosed). Your subsequent September 2007, e-mail amended request (copy enclosed) to exclude items concerning "SALT, ABM, and Verification type" documents also refers. After amending your request, a total of 13 documents remained for processing. The 12 enclosed documents are provided as responsive to your request with one additional document referred to the Defense Intelligence Agency for response as noted below. We apologize for the delay in the response to your FOIA request, which was necessitated by the need for extensive coordination with a number of Offices of the Secretary of Defense components and other Department of Defense (DoD) and non-DoD agencies.

Ms. Mary Ronan, Director, Access Management, National Security Council; Mr. Kevin S. Zumbar, Deputy Director, Strategic Systems Programs, Department of the Navy; Mr. Jeffrey A. Zarkin, Director, Document Declassification Division, Office of Classified and Controlled Information Review, Department of Energy; Mr. Mark Patrick, Chief, Information Management Directorate, Joint Staff; Mr. Danny S. Wilmoth, Management and Program Analyst, Nuclear, Chemical, and Biological Defense Programs; and Mr. Brian R. Green, Deputy Assistant Secretary of Defense, Strategic Capabilities, Office of the Under Secretary of Defense for Policy, have determined that the deleted information in the enclosed documents is exempt from release because it is currently and properly classified in accordance with Executive Order 12958, as amended, specifically:

Section 1.4 (a) concerning military plans, weapons, or operations; Section 1.4 (d), concerning foreign relations or foreign activities of the United States, including confidential sources; and Section 1.4 (h) concerning weapons of mass destruction. The information denied is also exempt from automatic declassification in accordance with

Section 3.3 (b)(5), pertaining to military war plans which remain in effect; Section 3.3 (b)(6), concerning information, including foreign government information, the release of which would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States; and Section 3.3 (b)(9) concerning information, the release of which could violate a statute, treaty, or international agreement. Portions of these documents are also denied pursuant to 5 USC § 552(b)(3), which applies to information specifically exempted by a statute establishing particular criteria for withholding. In this instance, the statute is 42 USC § 2168 (a) (1) (C) which provides for withholding Formerly Restricted Data under the Atomic Energy Act of 1954. Accordingly, this information is denied pursuant to 5 USC § 552 (b)(1) and (b)(3). The Department of Energy (DoE) has provided additional information concerning DoE withholdings in the enclosed information sheet. Unless otherwise noted all withholdings invoke exemption (b)(1).

We have determined that one document originated with the Defense Intelligence Agency (DIA). Since that organization operates its own FOIA program, we have referred your request and the responsive document to the DIA, at the below address, with the request that they respond to you directly. There are no assessable fees associated with this release.

Defense Intelligence Agency
Attn: DAN-1A Rm E4-234
Washington, DC 20340-5100

If you are dissatisfied with this action you may submit an appeal to this office by writing to James Hogan, Chief, Policy, Appeals and Litigation Branch, Office of Freedom of Information, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal letter should be postmarked within 60 calendar days of the date of this letter and should cite case number 92-F-0988.

Sincerely,

(b)(6)

for
Will Kammer
Chief

Enclosures
As stated

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No: 92-A-0988-A1

ACTION ASSIGNED TO _____ TEAM: A B C D REVIEWER _____ CARD _____
 TYPE REQUEST: *Appeal Commercial Educational News/Media NonCom/Scientific Other*
 EXPEDITED RESPONSE REQUESTED _____ GRANT? Y N DCII CHECK _____
 UP-FRONT DOCUMENT SEARCH _____ FEE WAIVER REQUESTED _____ DATE RECEIVED: _____
 REMARKS:

CLOSED WITHDRAWN

(ASBCA) Armed Services Board of Contract Appeals
(AT&L) Acquisition, Technology, & Logistics
(A&T) Acquisition & Technology
(DAU) Defense Acquisition University
(DPAP) Defense Procurement & Acquisition Policy
(DARC) Defense Acquisition Regulation Council
(PSA) Portfolio Systems Acquisition
(TC) Treaty Compliance
(SBP) Small Business Programs
(BT) Business Transformation
(BTA) Business Transformation Agency
(DDR&E) Defense Research and Engineering
(AS&C) Advanced Systems & Concepts
(DARPA) Defense Advanced Research Projects Agency
(DMEA) Defense Micro Electronics Activity
(DSB) Defense Science Board
(I&E) Installations & Environment
(ECOADJ) Economic Adjustment
(L&MR) Logistics & Material Readiness
(IC) International Cooperation
(MDA) Missile Defense Agency
(NCB) Nuclear, Chemical, & Biological Defense Programs
(SPPGMS) Special Programs
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)
(COMP) Comptroller
(PA&E) Program Analysis & Evaluation
(DPO) Defense Privacy Office
(EXSEC) The Exec. Secretariat

E-FOIA REPLY

(I) Intelligence
(CIFA) Counterintelligence Field Activity
(JS) Joint Staff
(LA) Legislative Affairs
(NDU) National Defense Univ.
(NII) Networks and Information Integration
(NSPS) National Security Personnel System
(NSSG) National Security Study Group
(ODNA) Office of the Director, Net Assessment
(OGC) Office of General Counsel
(DOHA) Director, Office of Hearings and Appeals
(DSAWHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison
(PA) Public Affairs
(DMA) Defense Media Activity
(P&R) Personnel & Readiness
(CPMS) Civilian Personnel Management Service
(DEOMI) Defense Equal Opportunity Management Institute
(DMDC) Defense Manpower Data Center
(SIAD) Statistical Information Analysis Division
(FVAP) Federal Voting Assistance Program
(HA) Health Affairs
(DHSD) Deployment Health Support
(RA) Reserve Affairs
(PFP) Pentagon Force Protection Agency
(USDP) (Policy)
(AP) Asian & Pacific Security Affairs
(CEN) Central Asia
(EAS) East Asia
(SEA) South and Southeast Asia

(IS) International Security Affairs
(AFR) Africa
(EUR) Europe & NATO
(MID) Middle East
(GS) Global Security Affairs
(CMO) Coalition Affairs
(GTS) Counternarcotics, Counterproliferation, and Global Threats
(DPO) Detainee Affairs
(MPA) Defense POW Missing Personnel Affairs Office
(DSCA) Defense Security Cooperation Agency
(DTSA) Defense Technology Security Administration
(PRT) Partnership Strategies
(HD) Homeland Defense and America's Security Affairs
(CMC) Crisis Management & Defense Support for Civil Authorities
(HLD) Homeland Def.
(HSI) Homeland Security Integration
(WHA) Western Hemisphere Affairs
(PDUSD) Policy Director
(PPD) Policy Planning
(SPD) Support for Public Diplomacy
(SO/LIC) Special Operations and Low Intensity Conflict
(FT&R) Forces Transformation & Resources
(SOC) Special Operations
(STB) Stability Operations
(STR) Strategic Capabilities
(WHMO) White House Military Office
(WH6) Wash HQ Services

(A&P) Acquisition & Procurement
(ESD) Executive Services Directorate
(GC) General Counsel
(HRD) Human Resources
(PENREN) Pentagon Renovation
No Nexus Response
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NORTHCOM	
PACOM	CIA
SOCOM	C. GUARD
SOUTHCOM	DEA
STRATCOM	DHS
TRANSCOM	DOE
	DOJ
DCAA	DOL
DCMA	FAA
DECA	FBI
DFAS	FEMA
DIA	GSA
DISA	NARA
DLA	NPRC
DoDIG	OPM
DoDEA	SEC. SVC.
DSS	STATE
DTIC	VA

The National Security Archive

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Washington, DC 20037

92-A-1310-A1
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nsarchiv@gwu.edu
<http://www.nsarchive.org>

18 August 2008

Mr. James Hogan
Policy, Appeals and Litigation Branch
Office of Freedom of Information
1155 Defense Pentagon
Washington, D.C. 20301-1155

Re: 92-F-1310

Dear Mr. Hogan:

This is an administrative appeal under the Freedom of Information Act. Through a letter dated 8 August 2008, the Defense Department's Office of Freedom of Information released copies of five documents, some of which were excised, and informed me that five (or perhaps four, it is not clear) additional documents had also been withheld in their entirety. I ask for further review of these documents to determine whether more information may be released. I also ask the reviewers of this appeal to take into account previously declassified material, described in detail below, which is directly relevant to the information which has been exempted under this case.

One of the heavily excised documents, Memorandum for Dr. Kissinger, "JCS Response to NSSM-64 (U.S. Strategic Capabilities," 2 March 1970, has already been declassified in full (see enclosure 1). This came about as a result of a separate request to Washington Headquarters Services for documents from another body of Department of Defense records from the early 1970s. In light of the previous release, there is no point in contesting the Department's excisions in this document. Nevertheless, it seems to me that if this document could be released in full, as a result of a routine mandatory review appeal, then the other items in this case, whether exempted or excised, with related information on U.S. strategic policy should be ripe for declassification release without harm to national security or foreign relations.

Another of the heavily excised documents is a DDR&E memorandum from July 1970 on "NSDM 69 and Minuteman Survivability." Only two lines of this document have been declassified. Again, taking into account previously declassified information, the Department of Defense ought to be able to declassify much more of this document. First, not only has NSDM 69 been declassified in its entirety (see enclosure 2), significant commentary on this NSDM is also in the declassified record (see enclosures 3, 4, and 5), which includes the Defense Department's support for the option to build heavier ICBMs and measures to reduce Minuteman vulnerability (see discussion in enclosures 3 and 5). Moreover, a report prepared for Henry Kissinger provides more information on why Defense officials worried that NSDM 69's "option E" could impair Minuteman survivability (see enclosure 6). Given the significant declassified information on NSDM 69 and related strategic forces issues, it should be possible to release much more information from this document without harm to national security.

An October 27, 1970 letter from Secretary of Defense Laird to White House assistant Henry Kissinger has light excisions concerning intelligence estimates of Soviet SS-9 and SS-11 ICBMs. This information should be easily releasable. Years ago, the CIA declassified large portions of NIE 11-8-71 on "Soviet forces for Intercontinental Attack" (See enclosure 7 for excerpts, especially pages 3-5)). As you will note, the information in the NIE indicates that new versions of the SS-9 and SS-11 with multiple warheads and higher accuracies (up to 0.4 nm), were designed to improve SS-11's ability to penetrate anti-missile defenses and the SS-9's capability to destroy Minuteman ICBMs. Again, this previously declassified information should make it possible to declassify more information on page 1 of the Laird letter.

Another excised document is the 18 December 1970 report by Systems Analysis on "U.S. Strategic Force Planning." Again, the declassified material on NSDM 69 and "option E" cited above should make it possible to release even more information from this report. In addition, previously declassified material on the Safeguard program and its relevance to defending Minuteman ICBM silos or, alternatively defending the NCA (national command authority) (see enclosures 8 and 9) supports the release of even more information from this report. Also potentially relevant are a number of reports and records of meetings concerning ICBM survivability discussions during the fall/winter of 1970/71 (see enclosures 10 through 13). A declassified Joint Staff memorandum from 1971 (enclosure 14) includes information on the command and control problem that may be relevant to the excisions on pages 10 and 11 of this document. Finally, excised portions on pages 11 and 12 concern China's ICBM threat potential. Again, the CIA has approved the declassification of estimates of Chinese missile forces from 1970 (see enclosures 15, 16, and 17) that should make it possible to declassify the withheld information on pages 11 and 12.

With respect to the documents that were exempted in their entirety, it is most likely that the previously declassified CIA, State Department, NSC, and State Department material discussed above and included with this appeal should enable the reviewers of these documents to declassify them without harm to national security or foreign relations. As sensitive as these documents may have been in 1970, with the passage of time and the continuing declassification of information, the exempted documents should be ready for declassification release.

Sincerely,

(b)(6)

William Burr



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

27 AUG 2008

Ref: 92-A-1310
920682DOD098

Mr. William Burr
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Dear Mr. Burr:

This is in response to your August 18, 2008, Freedom of Information Act (FOIA) appeal.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Mr. Michael Bell at (b)(6), or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation
Branch

92-FOI-1310

THE NATIONAL SECURITY ARCHIVE

SUITE 500 1755 MASSACHUSETTS AVENUE, N.W. WASHINGTON, D.C. 20036 (202) 797-0862

IN ALL CORRESPONDENCE PLEASE REFER
TO ARCHIVE FILE NO. 920682DOD098

June 15, 1992

Mr. Charlie Y. Talbott
Chief, FOI Division
Department of Defense
OASD (PA), Rm 2C757, The Pentagon
Washington, DC 20301

RE: Freedom of Information Act Request

Dear Mr. Talbott:

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.

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

00820
5/15/92

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,

(b)(6)

William Burr

Attachment



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

08 AUG 2008

Ref: 92-F-1310

Mr. William Burr
The National Security Archive
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, DC 20037

Dear Mr. Burr:

This is in response to your Freedom of Information Act (FOIA) request dated June 15, 1992, Archive # 920682DOD098, which was received in this Office on June 19, 1992. A copy of your request is enclosed. Your request was later amended via email correspondence with this Office in October 2007, to exclude items concerning "SALT, ABM, and Verification type" documents. After amending your request a total of 10 documents remained for processing. The five enclosed documents are provided as responsive to your request. One additional document has been referred to the Department of State as noted below. We apologize for the delay in the response to your FOIA request, which was necessitated by the need for extensive coordination with other Departments and Agencies.

Ms. Mary Ronan, Director, Access Management, National Security Council; Mr. Robert P. Richardson, Chief, Freedom of Information Act Staff, Defense Intelligence Agency; Mr. Scott A Koch, Information and Privacy Coordinator, Central Intelligence Agency; Mr. Mark Patrick, Chief, Information, Management, Division, Joint Staff; Mr. David Stein, Director, Strike Policy & Integration; and Mr. Danny S. Wilmoth, Management and Program Analyst, Nuclear, Chemical, and Biological Defense Programs, have determined that the deleted information in the enclosed documents is exempt from release because it is currently and properly classified in accordance with Executive Order 12958, as amended, specifically, Section 1.4 (a) concerning military plans, weapons, or operations; Section 1.4 (c) concerning Intelligence activities (including special activities), intelligence sources or methods, or cryptology; Section 1.4 (d), concerning foreign relations or foreign activities of the United States, including confidential sources; Section 1.4 (e) concerning scientific, technological, or economic matters relating to the national security, which includes defense against transnational terrorism; Section 1.4 (f), concerning United States Government programs for safeguarding nuclear materials or facilities; and Section 1.4 (h) concerning weapons of

mass destruction. The information denied is also exempt from automatic declassification in accordance with Section 3.3 (b)(2) concerning information that would assist in the development of use of weapons of mass destruction; Section 3.3 (b)(3), which could reveal information that would impair U.S. crypto-logic systems or activities; Section 3.3 (b)(4), which could reveal information that would impair the application of state of the art technology within a U.S. weapon system; Section 3.3 (b)(5), pertaining to military war plans which remain in effect; Section 3.3 (b)(6), concerning information, including foreign government information, the release of which would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States; Section 3.3 (b)(7), which could reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other protectees for whom protection services, in the interest of national security, are authorized; Section 3.3 (b)(8) pertaining to information, the release of which would seriously and demonstrably impair current national security emergency preparedness plans or reveal current vulnerabilities of systems, installations, infrastructures, or projects relating to the national security, and Section 3.3 (b)(9) concerning information, the release of which could violate a statute, treaty, or international agreement. Portions of these documents are also denied pursuant to 5 USC § 552(b)(3), which applies to information specifically exempted by a statute establishing particular criteria for withholding. In this instance, the statutes are 50 USC 403(g) Section 6 of the CIA Act of 1949 which provides for the withholding of CIA functions and information, and 42 USC § 2168 (a) (1) (C) which provides withholding Formerly Restricted Data under the Atomic Energy Act of 1954. Accordingly, this information is denied pursuant to 5 USC § 552 (b)(1) and (b)(3). Additionally five documents, totaling 125 pages, have been denied in their entirety for some of the reasons stated above. These documents concern intelligence methods and sources about missile development, long term strategic planning, and weapons inventories.

We have determined that one document originated with the Department of State (DOS). Since that organization operates its own FOIA program, we have referred your request and the responsive document to them with the request that they respond to you directly. Their address is given below. There are no assessable fees associated with this release.

Department of State
Director, Information Programs and Services
Room 8113 SA-2
Washington, DC 20522-8113
Office of Legal Advisor (Rm 6001 SA-2)

If you are dissatisfied with this action you may submit an appeal to this office by writing to James Hogan, Chief, Policy, Appeals and Litigation Branch, Office of Freedom of Information, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal letter should be postmarked within 60 calendar days of the date of this letter and should cite case number 92-F-1310.

Sincerely,

(b)(6)



for Will Kammer
Chief

Enclosures
As stated

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No:

92-A-1310-A2

ACTION ASSIGNED TO _____ TEAM: A B C D REVIEWER _____ CARD _____

TYPE REQUEST: *Appeal Commercial Educational News/Media NonCom/Scientific Other*

EXPEDITED RESPONSE REQUESTED _____ GRANT? Y N DCII CHECK _____

UP-FRONT DOCUMENT SEARCH _____ FEE WAIVER REQUESTED _____ DATE RECEIVED: _____

REMARKS:

13-12-2013 5:17

CLOSED _____ WITHDRAWN _____

E-FOIA REPLY

(ASBCA) Armed Services Board of Contract Appeals
(AT&L) Acquisition, Technology, & Logistics
(A&T) Acquisition & Technology
(DAU) Defense Acquisition University
(DPAP) Defense Procurement & Acquisition Policy
(DARC) Defense Acquisition Regulation Council
(PSA) Portfolio Systems Acquisition
(TC) Treaty Compliance
(SBP) Small Business Programs
(BT) Business Transformation
(BTA) Business Transformation Agency
(DDR&E) Defense Research and Engineering
(AS&C) Advanced Systems & Concepts
(DARPA) Defense Advanced Research Projects Agency
(DMEA) Defense Micro Electronics Activity
(DSB) Defense Science Board
(I&E) Installations & Environment
(ECOADJ) Economic Adjustment
(L&MR) Logistics & Material Readiness
(IC) International Cooperation
(MDA) Missile Defense Agency
(NCB) Nuclear, Chemical, & Biological Defense Programs
(SPPGMS) Special Programs
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)
(COMP) Comptroller
(PA&E) Program Analysis & Evaluation
(DPO) Defense Privacy Office
(EXSEC) The Exec. Secretariat

(I) Intelligence
(CIFA) Counterintelligence Field Activity
(JS) Joint Staff
(LA) Legislative Affairs
(NDU) National Defense Univ.
(NI) Networks and Information Integration
(NSPS) National Security Personnel System
(NSSG) National Security Study Group
(ODNA) Office of the Director, Net Assessment
(OGC) Office of General Counsel
(DOHA) Director, Office of Hearings and Appeals
(OSAWHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison
(PA) Public Affairs
(DMA) Defense Media Activity
(P&R) Personnel & Readiness
(CPMS) Civilian Personnel Management Service
(DEOMI) Defense Equal Opportunity Management Institute
(DMDC) Defense Manpower Data Center
(SIAD) Statistical Information Analysis Division
(FVAP) Federal Voting Assistance Program
(HA) Health Affairs
(DHSD) Deployment Health Support
(RA) Reserve Affairs
(PFPA) Pentagon Force Protection Agency
(USDP) (Policy)
(AP) Asian & Pacific Security Affairs
(CEN) Central Asia
(EAS) East Asia
(SEA) South and Southeast Asia

(IS) International Security Affairs
(AFR) Africa
(EUR) Europe & NATO
(MID) Middle East
(GS) Global Security Affairs
(CMO) Coalition Affairs
(GTS) Counternarcotics, Counterproliferation, and Global Threats
(DPO) Detainee Affairs
(MPA) Defense POW Missing Personnel Affairs Office
(DSCA) Defense Security Cooperation Agency
(DTSA) Defense Technology Security Administration
(PRT) Partnership Strategies
(HD) Homeland Defense and America's Security Affairs
(CMC) Crisis Management & Defense Support for Civil Authorities
(HLD) Homeland Def.
(HSI) Homeland Security Integration
(WHA) Western Hemisphere Affairs
(PDUSDP) Policy Director
(PPO) Policy Planning
(SPD) Support for Public Diplomacy
(SOLIC) Special Operations and Low Intensity Conflict
(FT&R) Forces Transformation & Resources
(SOC) Special Operations
(STB) Stability Operations
(STR) Strategic Capabilities
(WHMO) White House Military Office
(WHS) Wash HQ Services

(A&P) Acquisition & Procurement
(ESD) Executive Services Directorate
(GC) General Counsel
(HRD) Human Resources
(PENREN) Pentagon Renovation
No Nexus Response
Not a Proper Request Reply
Not Reasonably Described
No Records Response
Not an Agency Record
Verification Response

ARMY	DTRA
NAVY	NGA
USAF	NGB
USMC	NRO
	NSA
CENTCOM	NSC
EUCOM	SHAPE
JFCOM	TRICARE
NORTHCOM	
PACOM	CIA
SOCOM	C. GUARD
SOUTHCOM	DEA
STRATCOM	DHS
TRANSCOM	DOE
	DOJ
DCAA	DOL
DCMA	FAA
DECA	FBI
DFAS	FEMA
DIA	GSA
DISA	NARA
DLA	NPRC
DoDIG	OPM
DoDEA	SEC. SVC.
DSS	STATE
DTIC	VA



~~TOP SECRET~~

DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

22 OCT 2009

Ref: 92-A-1310

MEMORANDUM FOR: DEFENSE INTELLIGENCE AGENCY (DIA)
ATTN: DAN-1A, RM E4-234
WASHINGTON, DC 20340-5100
ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. William Burr

Per your request, we are forwarding a copy of DIA's initial response dated June 11, 2003, and a copy of Document #5 as redacted by DIA.

You may direct any questions to Ms. Carol Curley at (b)(6) or

(b)(6)

(b)(6)

James P. Hogan
Chief

Attachments:
As Stated

COPY

~~TOP SECRET~~

UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS



~~TOP SECRET~~

**DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

01 OCT 2009

Ref: 92-A-1310

MEMORANDUM FOR:

(b)(6); (b)(3):50 USC § 3507

DEFENSE INTELLIGENCE AGENCY (DIA)

ATTN: DAN-1A, RM E4-234

WASHINGTON, DC 20340-5100

ATTN: (b)(6)

JOINT STAFF (JS)

ATTN: (b)(6)

USD POLICY EXECUTIVE SECRETARIAT

ATTN: (b)(6)

**ASD NUCLEAR CHEMICAL AND BIOLOGICAL
DEFENSE PROGRAMS (NCB)**

ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. William Burr

Attached is a copy of the FOIA appeal in the case referenced above. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we request that you conduct another review of the attached responsive documents.

While processing the initial FOIA request, OFOI partially released four documents (TS #s 1, 6, 22, and 29) and withheld four documents in their entirety (TS #s 2, 5, 7 and 63) based on determinations from the (b)(3): DIA, JS, USD(P), and NCB. For your information, the initial determinations (SD Forms 472, etc.) are attached and the attached documents have been annotated to show which agency initially recommended withholding.

We conducted an independent appellate review, taking into consideration some previously released information, and we recommend, at a minimum, the information highlighted in yellow be released on appeal. Since we believe additional information should also be released, we request that you conduct a line-by-line review of the

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UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS

information currently denied. For any information you determine should remain withheld, bracket the information in RED, cite the FOIA exemption(s) invoked, and provide your rationale for withholding.

You may direct your response and any questions concerning this appeal to Ms. Carol Curley at (b)(6) or (b)(6).

(b)(6)

for
James P. Hogan
Chief

Attachments:

- (1) FOIA Appeal
- (2) Background Information (SD Forms 472 etc)
- (3) Responsive Docs as follows:
 - (a) Docs to (b)(3); 50 TS #'s 1, 22, and 63
 - (b) Docs to DIA: TS # 5
 - (c) Docs to JS: TS #'s 1, 2, 5, 6, 7, and 29
 - (d) Docs to USD(P): TS #'s 1, 2, 5, 6, and 29
 - (e) Docs to NCB: TS #'s 6, 5, and 29

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**DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

JAN 06 2010

Rcf: 92-A-1310
DOS 200805549
920682DOD098

MEMORANDUM FOR: UNITED STATES DEPARTMENT OF STATE (DOS)
ATTN: (b)(6)
DIRECTOR, INFORMATION PROGRAMS AND SERVICES
ROOM 8113 SA-2
WASHINGTON, DC 20522-8113

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. William Burr

On September 17, 2009, the Department of State (DOS) asked the Department of Defense to conduct another review of the attached document. We note that neither the DOS nor another agency has any objection to release in full.

On December 15, 2009, Mr. Mark Patrick, Chief, Information, Management, Division, Joint Staff determined that the information indicated by the bracketed portion marking remains exempt from release because it is currently and properly classified in accordance with Executive Order 12958 as amended, in accordance with Sections 1.4(a) and 1.4)(g). The information denied is also exempt from automatic declassification in accordance with Section 3.3(b)(5) and Section 3.3(b)(8). Accordingly, this information is denied pursuant to 5 USC § 552(b)(1).

You may direct any questions to Ms. Carol Curley at (b)(6) or

(b)(6)

(b)(6)

James P. Hogan
Chief

Attachments:
As stated

~~TOP SECRET~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURES

The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Phone: 202/994-7000
Fax: 202/994-7005
nsarchiv@gwu.edu
<http://www.nsarchive.org>

18 March 2008

Mr. James Hogan
Policy, Appeals and Litigation Branch
Office of Freedom of Information
1155 Defense Pentagon
Washington, D.C. 20301-1155

Re: 93-F-2782

Dear Mr. Hogan:

This is an administrative appeal under the Freedom of Information Act. Through a letter dated 6 March 2008, the Defense Department's Office of Freedom of Information released copies of three excised documents in response to my request for material from Secretary of Defense Laird NSC briefing books. I am filing this appeal because I am dissatisfied with that response. Fortunately, a few of the documents at issue here have already been declassified and released by other agencies so it is possible to conclude that that some of the excisions are highly dubious. One of the excised documents is a December 30, 1969 memorandum from Henry Kissinger to Members of the Verification Panel on "Preparations for the Next Round of SALT." This item is attached to document 2 in this case, a briefing paper on an NSC meeting on SALT. The Kissinger memo is already available in State Department files at the National Archives (see enclosure 1). The declassified version shows that the excised sentence on page 1 of the Kissinger memo reads as follows: "The question of whether we should enter the next round of SALT with a single position or several options will be resolved following the NSC meeting." According to the decision letter, release of this bland and innocuous language "could reveal information ... that could seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States." That claim is seriously and demonstrably erroneous, because there is nothing in that excised sentence that can any harm any legitimate security interest. The same can be said about the excisions on pages 3 and 5 of the Kissinger memorandum, because there is so much public record declassified material on general issues involving national means of verification (if not technical capabilities) and the possibility of relying on SSBNs as an invulnerable deterrent.

As noted above, document 2 in this case consists of a briefing paper to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to help them prepare for an NSC meeting on 25 March 1970 on SALT negotiating positions. Much has already been declassified concerning this NSC meeting, where decisionmakers discussed such issues as ABM limitations and MIRV bans. Detailed briefing papers for President Nixon and Secretary of State William Rogers have already been declassified (see enclosures 2 and 3). Moreover, the National Security Council has already declassified most of the transcript of the NSC meeting (see enclosure 4). Again, the reviewers

93-A-2782

went too far by incorrectly assuming that nothing about ABMs and proposed MIRV bans can or should be declassified. It should be possible to declassify document 2 in its entirety without any harm to national security.

Another of the excised documents (item 15) is a letter from ACDA director Gerard C. Smith to President Nixon, dated 23 March 1970. The text of the Smith letter has been exempted in its entirety. Nevertheless, it has been declassified for years, by the late ACDA and by the NSC; no doubt, it is also in the Nixon NSC files at NARA (see enclosure 5). By no stretch of the imagination could the declassification of its contexts be considered a serious and demonstrable threat to U.S. security interests. I understand that the reviewers at the Office of Freedom of Information can not be expected to know everything that has been declassified, but to avoid such errors, it would be helpful if they consulted with government historians, such as at the Office of the Historian/ Office of Secretary of Defense or at the Office of the Historian/State Department, who are highly knowledgeable about what has been declassified on the SALT process and national security policy during the Nixon years.

Document 3 in this case is a Systems Analysis memorandum on the necessity for MIRVs in a SALT agreement. Again, except for the subject line its contents have been completely denied. I can somewhat understand why the reviewers have taken a cautious approach; nevertheless, they have gone too far because they take it for granted, again wrongly, that nothing substantive has ever been, or can even be, properly declassified about MIRVs, especially MIRVs in the SALT process. Yet much has been declassified; for example, the Department of Energy has declassified large portions of a history of MIRVs, which begins with a sustained discussion of why defense planners wanted them in the first place (see enclosure 6). Moreover, significant information on the pros and cons of a MIRV ban that was discussed during the SALT preparations has already been declassified (see enclosure 7, as well as enclosures 3, 4, and 5). In light of the previous declassification, the Systems Analysis discussion of the MIRV should be ripe for declassification release without harm to U.S. defense interests.

Sincerely,

(b)(6)

William Burr

93-F-2782

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. 931140DOD125
12/14/1993

Charlie Y. Talbott
Chief, FOI Division
Defense Department
OASD (PA), Rm 2C757, The Pentagon
Washington D.C. 20301

Dear Mr. Talbott:

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 attached page of this letter for inspection and possible copying. If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable nonexempt portions of documents which contain information you regard as exempt. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

This request is made on behalf of the National Security Archive, a nonprofit public interest research institute and library in Washington, D.C. The Archive is a tax-exempt nonprofit organization whose purpose is to enrich public policy debate by making widely available records on important areas of major public concern on foreign, defense and intelligence policy. Documents obtained by the Archive, including the records requested in this letter, are carefully analyzed, indexed, organized into collections and published. Archive document collections are also available for inspection and copying at the Archive by scholars, journalists, members of Congress and their staffs, present and former public officials, other public interest organizations, and the general public. Information in these documents is disseminated across the country through distribution of our published collections to research libraries and through the Archive's other publishing and media activities. I am conducting research on the subject of this request as part of an Archive research team which includes experts on the subject and which already has done extensive research and determined that the requested materials are necessary to our project.

Please also 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, 110 S.Ct. 1478 (1990), the Archive was declared entitled to a waiver of all search and review fees under the FOIA as a "representative of the news media." This request also qualifies for a waiver of duplication fees because disclosure of the information in the requested documents is in the public interest since release to us of these records, which directly relate to the formation of U.S. policy on the subject, is likely to contribute significantly to greater public understanding of the operations or activities of the government in making that policy. Should you decline to waive or reduce all duplication fees, we are prepared to pay normal reproduction costs if I decide to copy the records produced, but please describe your specific reasons in writing and notify us before incurring costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 797-0882. I look forward to receiving your response within the ten-day statutory time period.

Sincerely,

(b)(6)



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

Ref: 93-F-2782

97 MAR 2008

Mr. William Burr
The National Security Archive
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, DC 20037

Dear Mr. Burr:

This is in response to your Freedom of Information Act (FOIA) request dated December 14, 1993, Archive # 931140DOD125, for specific documents, held in accession 330-78-104, from the Secretary of Defense Laird NSC Books. According to our records your request was narrowed to pertain to only items from part C of your request. We received your request in this Office on December 20, 1993. The three enclosed documents totaling 26 pages are provided as responsive to your request.

Mr. Edmund F. McBride, Chief, Information Management, Division, Joint Staff has determined that portions of these three documents are exempt from release because they are currently and properly classified in accordance with Executive Order 12958, as amended, specifically, Section 1.4 (a) concerning military plans, weapons, or operations, and Section 1.4 (d) concerning foreign relations or foreign activities of the United States, including confidential sources. The information denied is exempt from automatic declassification in accordance with Section 3.3 (b)(5) which could reveal military war plans which remain in effect, and Section 3.3 (b)(6), which could reveal information, including foreign government information, that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States.

If you are dissatisfied with this action you may submit an appeal to this Office, by writing to James Hogan, Chief, Policy, Appeals and Litigation Branch, Office of Freedom of Information, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal letter should be postmarked within 60 calendar days of the date of this letter and should cite case number 93-F-2782.

Sincerely,

(b)(6)

For

Will Kammer
Chief

Enclosures:
As stated



~~TOP SECRET~~

DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

12 DEC 2008

Ref: 93-A-2782

MEMORANDUM FOR: JOINT STAFF

ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. William Burr

Attached is an appeal of a partial denial in the case referenced above. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, the following is requested:

Your initial review was conducted in 1995. Subsequently, the responsive documents were reviewed by the Director, Program and Analysis & Evaluation, the National Security Council, and the Department of State. These entities did not object to declassification and release (see attached comments). Therefore, please conduct another review of the attached information previously denied to the requester, and provide your recommendations as to the release of the information at this time. For any information which you recommend not be released, enclose that information in brackets on the "clean" copy of the documents and send it to this office. Cite the FOIA exemption(s) invoked for any recommended withholding, and your rationale for denial.

Please forward your response to this office by January 21, 2009. You may direct any questions concerning this appeal to Ms. Carol Curley at (b)(6) or

(b)(6)

(b)(6)

-for- James P. Hogan
Chief

Attachments:
As stated

~~TOP SECRET~~

UPON REMOVAL OF ATTACHMENT(S)
DOCUMENT BECOMES UNCLASSIFIED

94-A-0333-A1

The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

7032
Phone: 202/994-7000
Fax: 202/994-7005
nsarchiv@gwu.edu
http://www.nsarchive.org

16 January 2009

Mr. James Hogan
Chief, Policy, Appeals and Litigation Branch (FOIA)
1155 Defense Pentagon
Washington, D.C. 20301-1155

Re: 94-F-0333

Dear Mr. Hogan

This is an administrative appeal under the Freedom of Information Act. Through a letter dated 29 December 2008, the Defense Department released excised versions of several documents, including the two volumes of the 1961 Hickey report of the Net Evaluation Subcommittee (NESC), "A Study of Requirements for U.S. Strategic Systems," and documents relating to the 1961 Fisk report on nuclear weapons testing policy. I ask for further review of the withheld information to determine whether more of it may be released. I also ask the reviewers of this appeal to take into account previously declassified information which is directly relevant to the excised portions.

With respect to the Hickey report, I believe that it is possible to release much more information without harm to national security. The Defense Department's Washington Headquarters Services has already declassified large portions of a "review of the Hickey Study" (see enclosure 1), which includes substantive information that has been excised from the NESC documents at issue here, including Soviet target systems (including proposed target categories for future U.S. strategic systems) and force requirements. Moreover, U.S. government agencies have already declassified other relevant information from the early 1960s on controlled response, Soviet target systems, and estimated force requirements. For example, excised material on controlled response should be ripe for declassification in light of previous declassifications on command and control vulnerabilities (see enclosure 2) and various options (retaliatory and preemptive) available in U.S. nuclear planning during the early 1960s (see enclosure 3). On both Soviet target systems, destructiveness of attacks, and prospective force requirements, significant Defense Department material from the early 1960s has been published in the State Department *Foreign Relations* series (see enclosures 4 and 5). Also relevant on Soviet target systems, U.S. nuclear planning options (e.g., preemptive attack), and the destructiveness of attacks is the declassified 1962 report by the Net Evaluation Subcommittee (see enclosure 6). In light of these previous declassifications much more information from the Hickey study should be ripe for release without harm to national security or foreign relations.

With respect to the documents relating to the Fisk Panel report on nuclear testing, it should be possible to release more information. For example, some of the excisions in the document "Discontinuance of Nuclear Weapons Tests, Revision of 21 April 1961" concern a memorandum from John J. McCloy to President Kennedy on the "Fisk Report." McCloy's memorandum has already been declassified in the *Foreign Relations* series (see enclosure 7, 1st

An independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax-deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's budget.

four pages) so any discussion of its substance ought to be releasable in full. Even if the McCloy memo had not been previously declassified, given its relatively anodyne contents, any discussion of it can be routinely released (declassification could have no impact on U.S. diplomacy almost fifty years later). Other declassified information in the *Foreign Relations* series, such as a memorandum from Harold Brown on "Questions Bearing Upon the Resumption of Atomic Weapons Testing" (see enclosure 7, last 5 pages) is also relevant to review of the documents about the Fisk report and the debates over nuclear testing in 1961. If the Department of Defense could approve the release of the information in the early 1990s, under the terms of the Reagan executive order on classification/declassification, then it should be possible to declassify related information from these documents without harm to national security.

With all due respect to the officials who reviewed this case, I am wholly unpersuaded by the argument that the release of more information from these documents "would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States." To assert that releasing more information would have such a detrimental impact, when so much information about nuclear planning and the test ban negotiations has been in the declassified public record for years, suggests that the declassification review instructions that Defense Department security reviewers follow are significantly outdated.

Sincerely,

(b)(6)

William Burr



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

29 JAN 2009

Ref: 94-A-0333
940151DOD046

Mr. William Burr
The National Security Archive

(b)(6)

Dear Mr. Burr:

This is in response to your January 16, 2009, Freedom of Information Act (FOIA) appeal.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Mr. Michael Bell at (b)(6) or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

-for-

94-F-0333

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. 940151DOD046
02/05/1994

Charlie Y. Talbott
Chief, FOI Division
Defense Department
OASD (PA), Rm 2C757, The Pentagon
Washington D.C. 20301

Dear Mr. Talbott:

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 attached page of this letter for inspection and possible copying. If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable nonexempt portions of documents which contain information you regard as exempt. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

This request is made on behalf of the National Security Archive, a nonprofit public interest research institute and library in Washington, D.C. The Archive is a tax-exempt nonprofit organization whose purpose is to enrich public policy debate by making widely available records on important areas of major public concern on foreign, defense and intelligence policy. Documents obtained by the Archive, including the records requested in this letter, are carefully analyzed, indexed, organized into collections and published. Archive document collections are also available for inspection and copying at the Archive by scholars, journalists, members of Congress and their staffs, present and former public officials, other public interest organizations, and the general public. Information in these documents is disseminated across the country through distribution of our published collections to research libraries and through the Archive's other publishing and media activities. I am conducting research on the subject of this request as part of an Archive research team which includes experts on the subject and which already has done extensive research and determined that the requested materials are necessary to our project.

Please also 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, 110 S Ct. 1478 (1990), the Archive was declared entitled to a waiver of all search and review fees under the FOIA as a "representative of the news media." This request also qualifies for a waiver of duplication fees because disclosure of the information in the requested documents is in the public interest since release to us of these records, which directly relate to the formation of U.S. policy on the subject, is likely to contribute significantly to greater public understanding of the operations or activities of the government in making that policy. Should you decline to waive or reduce all duplication fees, we are prepared to pay normal reproduction costs if I decide to copy the records produced, but please describe your specific reasons in writing and notify us before incurring costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 797-0882. I look forward to receiving your response within the ten-day statutory time period.

Sincerely,

(b)(3)

FOIA Requester: Burr, William

FOIA Sequence Number: 940151DOD046

Date of Request: 02/05/1994

NSA Record Number: 12036

Subject of Request:

Copies of the following documents held in accession 65-A-3464, Secretary of Defense records held at Federal Records Center, Suitland, Maryland:

A. Hickey report, 4/19/61, in file 381, box 12.

B. Items from file 020 DOD, box 4:

1. Control #1335, 2/15/61
2. Strategic & Continental Air Defense Proposals, 2/18/61
3. Strategic & Continental Air Defense Proposals, 2/12/61
4. Control #133, 2/15/61

C. Items from file 383.8, case date 2/2/61, box 13 (?):

- a. Briefing for McCloy, 4/10/61
- b. Control 2977, 3/2/61
- c. Control 2977, 4/21/61

D. Items from file Germany 091, case date 17 April 1961, boxes 4 or 5:

1. Col. Black to Record, 3/3/60
2. Discussion paper for SD meeting with USCINCEUR, with inclosures A-E, n.d.
3. SD to WH, Thermonuclear War, 11/22/61
4. Discussion paper for SD-USCINCEUR Meeting, with annex A-F (unless this is substantially the same as item 2 above)

Note: I request that all documents be reviewed in their entirety, and that no information be omitted on the grounds of "non-relevance".



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

28 DEC 2008

Ref: 94-F-0333

Mr. William Burr
The National Security Archive
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, DC 20037

Dear Mr. Burr:

This is in response to your Freedom of Information Act (FOIA) request dated February 5, 1994, Archive # 940151DOD046, copy attached. We received your request in this Office on February 5, 1994. The 5 enclosed documents are provided as responsive to your request. Please be advised that, based on the information provided, the office of Washington Headquarters Services could locate no records responsive to those portions of your request concerning, "Accession 65-A-3464, File 020 DOD, Box 4, or File Germany 091, case date 17 April 1961, Boxes 4 or 5."

Mr. Jeffrey A. Zarkin, Director, Document Declassification Division, Office of Classified and Controlled Information Review, Office of Security, Department of Energy; Mr. William R. Faircloth, Chief of Staff, Defense Threat Reduction Agency; Mr. Robert T. Herman, Information and Privacy Coordinator, Central Intelligence Agency; Mr. Fred S. Celec, Deputy Assistant to the Secretary of Defense, Nuclear Matters; Mr. Edmund F. McBride, Chief, Information Management Division, Joint Staff; and Mr. David Stein, Director, Strike Policy & Integration have determined that the deleted information in the enclosed documents is exempt from release because it is currently and properly classified in accordance with Executive Order 12958, as amended, specifically, Section 1.4 (a) concerning military plans, weapons, or operations; and Section 1.4 (d) concerning foreign relations or foreign activities of the United States, including confidential sources. The information denied is also exempt from automatic declassification in accordance with Section 3.3 (b)(5) which may reveal military war plans which remain in effect; Section 3.3 (b)(6), which could reveal information, including foreign government information, that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States; and Section 3.3 (b)(9), which could violate a statute, treaty, or international agreement.

Portions of these document are also denied pursuant to 5 USC § 552(b) (3), which applies to information specifically exempted by a statute establishing particular criteria for withholding. In this instance, the statutes are 50 USC § 403(g) Section 6 of the CIA Act of 1949 which provides for the withholding of CIA functions and information. Some information in the documents is being denied pursuant to statutes 42 USC § 2162 (a) and 42 USC § 2168 (a) (1) (C), which provides for withholding of Restricted Data and Formerly Restricted Data under the Atomic Energy Act of 1954, as amended. Accordingly, this information is denied pursuant to 5 USC § 552 (b)(1) and (b)(3). Please see the attached information sheet from the Department of Energy for more information regarding their withholdings. Unless otherwise marked, all withholdings have been made under exemption (b)(1). **Please note that document 4 is missing a "page 1". The missing page is original to the document as received from our component, and is not a copying error due to our processing of the document.**

In sum, excisions concern detailed issues relating to targeting intelligence, methodology, and decisions, as well as weapons design and characteristics. If you are dissatisfied with this action you may submit an appeal to this Office, by writing to James Hogan, Chief, Defense Freedom of Information Policy Office (DFOIPO), 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal letter should be postmarked within 60 calendar days of the date of this letter and should cite case number 94-F-0333. There are no fees associated with this response.

Sincerely,

(b)(6)

for

Will Kammer
Chief

Enclosures
As stated

Case No: 94-A-0335-A1

94-A-0335-A1

REMARKS:

Highlighted = Task Directly

(AT&L) Acquisition, Technology, & Logistics	
(AS&C) Advanced Systems & Concepts	
(A&T) Acquisition & Technology	
(BTA) Business Transformation Agency	
(DARS) Defense Acquisition Regulation System	
(DARPA) Defense Advanced Research Projects Agency	
(DAU) Defense Acquisition University	
(DDR&E) Defense Research and Engineering	
(DMEA) Defense Micro Electronics Activity	
(DPAP) Defense Procurement & Acquisition Policy	
(DSB) Defense Science Board	
(I&E) Installations & Environment	
(L&MR) Logistics & Material Readiness	
(MDA) Missile Defense Agency	
(NCB) Nuclear, Chemical, & Biological Defense Programs	
(SBP) Small Business Programs	
(COMP) Comptroller	
(PA&E) Program Analysis & Evaluation	
(DPO) Defense Privacy Office	
(EXSEC) The Exec. Secretariat	
(OGC-LA) Prior to EXSEC	
(I) USD - Intelligence	
(JS) Joint Staff	
(LA) Legislative Affairs	
(NDU) National Defense Univ.	
(NI) Networks and Information Integration	
(ODNA) Office of the Director, Net Assessment	

(OGC) Office of General Counsel	
(OMC) Office of Military Commissions	
(DOHA) Director, Office of Hearings and Appeals	
(PA) Public Affairs	
(DMA) Defense Media Activity	
(P&R) Personnel & Readiness	
(CPMS) Civilian Personnel Management Service	
(DMDC) Defense Manpower Data Center	
(FVAP) Federal Voting Assistance Program	
(HA) Health Affairs	
(DHSD) Deployment Health Support-thru HA	
(RA) Reserve Affairs	
(PFPA) Pentagon Force Protection Agency	
(USDP) (Policy)	
(AP) Asian & Pacific Security Affairs	
(IS) International Security Affairs	
(GS) Global Security Affairs	
(DPO) Detainee Affairs	
(DPMO) Defense POW Missing Personnel Affairs Office	
(DSCA) Defense Security Cooperation Agency	
(DTSA) Defense Technology Security Administration	
(HD) Homeland Defense and America's Security Affairs	
(SO/LIC) Special Operations and Low Intensity Conflict	

[illegible]

No Nexus Response	
Not a Proper Request Reply	
Not Reasonably Described	
Not an Agency Record	
No Records Response	
Withdrawn	
DCH Check	
Card or E-mail Interim	

Use Referral Letter/Memo for:

ARMY		DTRA	
NAVY		NGA	
USAF		NGB	
USMC		NRO	
		NSA	
CENTCOM		NSC	
EUCOM		TRICARE	
JFCOM			
NORTHCOM		CIA	
PACOM		C. GUARD	
SOCOM		DEA	
SOUTHCOM		DHS	
STRATCOM		DOE	
TRANSCOM		DOJ	
		DOL	
CITF		FAA	
OCAA		FBI	
DCMA		FEMA	
DECA		GSA	
DFAS		NARA	
DIA		NPRC	
DISA		OPM	
DLA		SEC. SVC.	
DoDIG		STATE	
QoDEA		VA	
DSS			

~~TOP SECRET / FRD~~



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

JUL 13 2010

Ref: 94-A-0333

MEMORANDUM FOR U.S. DEPARTMENT OF ENERGY (DOE)
(ATTN: (b)(6) HS-93)
P.O. BOX A
GERMANTOWN, MD 20875-0963

SUBJECT: Freedom of Information Act (FOIA) Appeal -- William Burr

We are forwarding the attached FOIA appeal and four responsive documents to your office for consultation. As you can see from the attached initial determination, the responsive documents were partially denied based on determinations by DOE, Defense Threat Reduction Agency, (b)(3); 50 USC § 3507 Joint Staff, and several offices within the Office of the Secretary of Defense/Joint Staff. The Department of State and the National Security Council had no objections to release.

For your ease of review, we are only forwarding a copy of your initial review, not a consolidated redacted copy. Please conduct a line-by-line review of the information previously denied by DOE and provide your recommendations as to the release on appeal. For any information which you recommend remain exempt, enclose that information in RED brackets and send the bracketed documents to this office. Cite the FOIA exemption(s) invoked for any recommended withholding and provide your rationale for denial, along with any additional comments which will assist in evaluating the appeal.

You may direct questions concerning this appeal to Ms. Carol Curley at (b)(6)

(b)(6)

or (b)(6)

(b)(6)

For James P. Hogan
Chief

Attachments:
As stated

~~TOP SECRET / FRD~~

Unclassified Upon
Removal of Attachments

The National Security Archive

**The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037**

Phone: 202/994-7000
Fax: 202/994-7005
nsarchive@gwu.edu
www.nsarchive.org

August 8, 2008

James Hogan, Chief,
Policy, Appeals and Litigation Branch
Department of Defense
Office of Freedom of Information
1155 Defense Pentagon
Washington, D.C. 20301-1155

Dear Mr. Hogan:

I am writing to appeal the decisions taken by the Department of Defense to deny release in part of three documents, and the denial in full of 5 documents located in response to my FOIA request of February 22, 1994 (OSD Case 94-F-0492; National Security Archive Case No. 940179DOD052). I have enclosed a copy of your response with this appeal. The denials were made on the basis of EO 12958 as amended, section 1.4(a), (c) and (d), and Sections 3.3(b)(5) and (b)(6). I wish to appeal all of these denials, except for those made on the basis of 1.4(c) concerning intelligence activities

The documents denied in full (your document reference numbers V007-V008, V011-V012 and V014) all deal with the issue of the LST USS San Joaquin County, which was anchored near the Iwakuni Marine Corps Air Station near Hiroshima from the late 1950s through the mid-1960s, and which held nuclear weapons. The history of the discovery of this vessel by Daniel Ellsberg and the fact that it was holding nuclear weapons in possible violation of U.S. commitments to Japan is detailed in a report by Hans Kristensen, *Japan Under the US Nuclear Umbrella*, which is available online at <http://www.nautilus.org/archives/library/security/papers/Nuclear-Umbrella-4.html>. In addition, I have enclosed four declassified documents dealing with this issue:

- 1) Cable, CJCS to CINCPAC, May 13, 1966, Subject: Report of Discussions with Ambassador Reischauer
- 2) Letter, U. Alexis Johnson to John T. McNaughton, May 22, 1966, in re the matter of the USS San Joaquin County
- 3) Letter, McNaughton to Johnson, July 2, 1966, in re moving the "barge" from its present location to Guam
- 4) Letter, Johnson to McNaughton, July 8, 1966 in re moving the "barge"

Turning to the four documents released in part (your Document Ref. Nos. V001-V003 and V015), the first two are military planning documents for the Pacific/East Asia area, dating from the 1970s, while the other two are transcripts of executive session hearings before the Senate Subcommittee on U.S. Security Agreements and Commitments Abroad - Security Agreements and Commitments in Japan. With respect to the two military planning documents, I would first note that the information contained within

An independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's Budget.

FOIA Appeal

them are now nearly 40 years old. Given the significant changes that have taken place in the development of military technologies and capabilities since that time, as well as in the overall strategic situation in the region, the release of these historical documents should have no harmful effect, as they have been overtaken by time in terms of political, strategic and military/technological changes and advances. In addition, the Department of Defense has released detailed information regarding military planning for one key area, the Korean Peninsula, including the following (copies of which are included with this appeal):

- 1) Memorandum, Secretary of Defense Laird to the Assistant to the President for National Security Affairs, in re attached new contingency plans for strikes on North Korea, May 2, 1969 [30 pages]
- 2) Memorandum, Secretary of Defense to the Special Assistant to the President for National Security Affairs, Subject: Review of US Contingency Plans by Washington Special Actions Group, June 25, 1969 [39 pages]
- 3) Memorandum, CJCS Wheeler to the Secretary of Defense, Subject: Military Reaction Options for Korea, July 9, 1969 [14 pages]

Finally, with respect to the Senate Hearings, based upon examination of the context of the deleted segments, much if not all of this seems to deal with the issue of prior consultation with the Japanese government regarding U.S. military operations out of Japan and the related issue of the possession by these forces of nuclear weapons. In this connection the key details regarding the nuclear transit agreement between the U.S. and Japan, part of the 1960 Security Treaty, were declassified some time ago. On this point, I have enclosed extracts from two documents:

- 1) Memorandum for the Office of the Vice President, et al; from NSC Secretariat, April 28, 1969, Subject NSSM 5: Japan Policy – see in particular the discussion of the transit agreement in connection with the reversion of Okinawa found on pages 21-28
- 2) Memorandum, Winston Lord to Deputy Secretary Ingersoll, et al., January 19, 1976, Subject: Japan's Foreign Policy Trends, forwarding a paper with the same title; see in particular the discussion of the transit agreement beginning at the bottom of page 24.

In light of the detailed information already available in documents declassified by the U.S. government, and the nearly 40 years that have passed since creation of the document in question, I hope that a new review will result in significantly more information in the document being released. I appreciate your consideration of my appeal, and look forward to learning of the results of the new review of the document.

Sincerely,

(b)(6)

Robert A. Wampler
Senior Research Fellow

Enclosures: Documents itemized in letter



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

08 AUG 2008

Ref: 94-A-0492
940179DOD052

Mr. Robert A. Wampler
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Dear Mr. Wampler:

This is in response to your August 8, 2008, Freedom of Information Act (FOIA) appeal.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Mr. Michael Bell at (b)(6), or (b)(6).

Sincerely,

(b)(6)

James P. Hogan
Chief, FOIA Policy, Appeals and Litigation
Branch

For

94- F 00192

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. 940179DOD052

Charlie Y. Talbott
Chief, FOI Division
Defense Department
OASD (PA), Rm 2C757, The Pentagon
Washington D.C. 20301

2/22/94

Dear Mr. Talbott:

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 attached page of this letter for inspection and possible copying. If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable nonexempt portions of documents which contain information you regard as exempt. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

This request is made on behalf of the National Security Archive, a nonprofit public interest research institute and library in Washington, D.C. The Archive is a tax-exempt nonprofit organization whose purpose is to enrich public policy debate by making widely available records on important areas of major public concern on foreign, defense and intelligence policy. Documents obtained by the Archive, including the records requested in this letter, are carefully analyzed, indexed, organized into collections and published. Archive document collections are also available for inspection and copying at the Archive by scholars, journalists, members of Congress and their staffs, present and former public officials, other public interest organizations, and the general public. Information in these documents is disseminated across the country through distribution of our published collections to research libraries and through the Archive's other publishing and media activities. I am conducting research on the subject of this request as part of an Archive research team which includes experts on the subject and which already has done extensive research and determined that the requested materials are necessary to our project.

Please also 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, 110 S.Ct. 1478 (1990), the Archive was declared entitled to a waiver of all search and review fees under the FOIA as a "representative of the news media." This request also qualifies for a waiver of duplication fees because disclosure of the information in the requested documents is in the public interest since release to us of these records, which directly relate to the formation of U.S. policy on the subject, is likely to contribute significantly to greater public understanding of the operations or activities of the government in making that policy. Should you decline to waive or reduce all duplication fees, we are prepared to pay normal reproduction costs if I decide to copy the records produced, but please describe your specific reasons in writing and notify us before incurring costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 797-0882. I look forward to receiving your response within the ten-day statutory time period.

Sincerely,

(b)(6)

Robert A. Wampler

FOIA REQUEST

FOIA Requester: Wampler, Robert

FOIA Sequence Number: 940179000032

Date of Request: 02/22/1994

NSA Record Number: 12115

Subject of Request:

Please review for declassification the following documents, as identified and located by accession number, collection title, box number and folder title:

Accession 73-A-1971, OASD/ISA 1970 Top Secret Files:

Box 8 - 381 JSOP (SM-836-70):

1) Vol II, Book VII, Part 3-The Pacific/Asia Area

- 350.05 Sighted Document I-21543/70:

1) SM-228-70, OSD x1602, Book VIII (East Asia and the Western Pacific) of the Joint Intelligence Estimate for Planning, Volume II, FY 1973 thru FY 1980

Box 11 - U.S. Senate Hearings 1969-1970:

1) Vol I OATSD(LA), TS-70-003, Subj: Security Agreements and commitments in Japan, Monday, Jan 26, 1970

2) Vol 2, OATSD(LA), TS-70-006, Subj: Security Agreements and Commitments in Japan, Tuesday, Jan 27, 1970

3) Vol 3, OATSD(LA), TS-70-008, Subj: Security Agreements and Commitments in Japan, Wednesday, Jan 28, 1970

Box 11 - 560 Japan 1966 Japan LST:

1) 1-35784/66: Memo for CJCS, signed McNamara, dtd 27 June 66, subj: USS SAN JOAQUIN COUNTY

Memo for S/D, signed McNaughton, dtd 25 June 66, subj: USS SAN JOAQUIN COUNTY

Memo for S/D, JCSP-411-66, dtd 17 June 66, subj: USS SAN JOAQUIN COUNTY

Memo for ISA, signed Calvert, dtd 17 June 66, subj: Captain Boye's SAN JOAQUIN memo for the Record of 8 June 66

Memo for the Record of 8 June 66

Memo for the Record, signed Boyes, subj: USS SAN JOAQUIN COUNTY (LST 1122), at Iwakuni, Japan

Memo for CJCS, signed McNaughton, dtd 31 May 66 subj USS San Joaquin County (LST 1122) at Iwakuni, Japan

Cy 6 of Point paper

Letter for Mc McNaughton, signed Johnson, dtd 22 May 66, subj: USS SAN JOAQUIN COUNTY

Memo for the Record, signed Calvert, dtd 19 May 66, subj: Meeting with Mr Johnson

Memo for ISA, signed McNamara

Box 12 - General Files & Country Files 1968:

1) I-35732/68, Memo for S/D, signed Ignatius, dtd 7 Aug 68, Subj: Western Pacific and Indian Ocean Base Study, OSD x4678

Box 12 - Country Files 1969:

1) I-35618/69 - Memo for S/D, signed Smith, dtd 25 July 69, subj: Consultation with Japan on SALT, OSD x4058

- Memo of conversation dtd 18 July 69, subj: Part II-Consultations with Japan on SALT

On October 4, 1993, President Clinton issued a directive to all executive branch departments and agencies ordering them to "renew their commitment to the Freedom of Information Act, to its underlying principles of government openness, and its sound administration." In particular, the President stressed that "the existence of bureaucratic hurdles has no place in its implementation." U.S. Attorney General Janet Reno's guidance on agency FOIA implementation issued the same day encourages "FOIA officers to make 'discretionary disclosures' whenever possible." Additionally, her guidance states that when exempting information from release, agencies should provide specific reference to "such harm" "reasonably foresee[able] to occur from release. In that U.S. relations with and policy toward Japan are of considerable public interest, I request that you exercise your discretion to ensure maximum disclosure in response to this request.

Note: I request that all documents be reviewed in their entirety, and that no information be omitted on the grounds of "non-relevance".



DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
 1155 DEFENSE PENTAGON
 WASHINGTON, DC 20301-1155

APR 30 2008

Ref: 94-F-0492
 940179DOD052

Mr. Robert A. Wampler
 The National Security Archive
 George Washington University
 Gelman Library, Suite 701
 2130 H. Street, N.W.
 Washington, D.C. 20037

940179DOD052	DOD
RECNO:12115	SEQCOR:141204
6/9/2008	FOISG: Wampler, Robert
US-Japan Security Alliance	

Dear Mr. Wampler:

This responds to your February 22, 1994, Freedom of Information Act (FOIA) request (copy enclosed) for various documents, specifically identified as set forth below, from the 1970 Top Secret records retired by the Office of the Assistant Secretary of Defense for International Security Affairs in Accession 73-A-1971. Our interim response to you, dated April 16, 2002, which informed you of two referrals we made to Department of State and the United States Navy, also refers. I apologize for the delay in responding, which was caused by the need to consult with various components of the Office of the Secretary of Defense, the Joint Staff, and other Federal agencies as well.

- Box 8 - 381 JSOP:
 1. Vol II, Book VII, Part 3, Sighted Document I-21543/70
 2. Book VIII, Joint Intelligence Estimate for Planning, Vol II, FY 73-FY 80
- Box 11 - US Senate Hearings 1969 - 1970:
 3. Vol 1, TS-70-003, Security Agreements and Commitments in Japan
 4. Vol 2, TS-70-006, Security Agreements and Commitments in Japan
 5. Vol 3, TS-70-008, Security Agreements and Commitments in Japan
- Box 11 - 560 Japan 1966, Japan LST:
 6. McNamara memo for CJCS, June 27, 66, USS San Joaquin County
 7. McNaughton memo to Sec Def, June 25, 66, USS San Joaquin County
 8. Memo to Sec Def, June 17, 66, USS San Joaquin County
 9. Calvert memo for ISA, June 17, 66, Captain Boye's San Joaquin MFR of June 8, 66
 10. MFR of June 8, 66
 11. Boye's memo for the record, USS San Joaquin County (LST 1122), at Iwakuni, Japan
 12. McNaughton memo for CJCS, May 31, 66, USS San Joaquin County (LST 1122), at Iwakuni, Japan

- Box 11 – 560 Japan 1966, Japan LST (continued):
 - 13. Copy 6 of point paper
 - 14. Johnson letter for McNaughton, May 22, 66, USS San Joaquin County
 - 15. Calvert memo for the record, May 19, 66, Meeting with Mr. Johnson
 - 16. McNamara memo to ISA
- Box 12 – General & Country Files 1968:
 - 17. Ignatius memo for Sec Def, Aug 7, 68, Western Pacific and Indian Ocean Base Study
- Box 12 – Country Files 1969:
 - 18. Smith memo for Sec Def, July 25, 69, Consultation with Japan on SALT
 - 19. Memo of conversation, July 18, 69, Part II – Consultations with Japan on SALT

Representatives of the Office of The Assistant Secretary of Defense for Asia-Pacific Affairs (APA), Under Secretary of Defense for Policy searched for and located 20 documents that APA judged were responsive to your request. The results of our subsequent release determination reviews, keyed to above cited item numbers, are as follows:

- Concerning item 10, your request (MFR of June 8, 66), APA's review determined that it is the same as item 11 (Boye's memo for the record, USS San Joaquin County (LST 1122), at Iwakuni, Japan), dated June 8, 66.
- Documents V004, V006-V006a, and V012a, are responsive to items 4, 14, and 18-19 of your request but are equities of the Department of State; accordingly, these documents have been transferred to that agency, address below, for review and direct response to you.

Department of State
Director, Information Programs and Services
Room 8113 SA-2
Washington, DC 20522-8113

• Concerning documents V005, V010, V012b, and V013. I have determined that they are responsive to items 8, 9, 13, and 15 of your request but are equities of the United States Navy; accordingly, these documents have been transferred to that service, address below, for review and direct response to you.

Department of the Navy
Office of the Chief of Naval Operations
DNS-36
2000 Navy Pentagon
Washington, DC 20350-2000

• Concerning documents V001-V003, and V015, I have determined that they are responsive to items 1-3, and 5 of your request and copies are enclosed. Mr. Peter Rodman, Assistant Secretary of Defense for International Security Affairs, Under Secretary of Defense for Policy, Mr. John C. Krysa, Chief, Information Management Directorate, Joint Staff, Ms. Margaret P. Grafeld, Director, Office of Information Resource Management Programs and Services, Department of State, and Colonel William M. Morgan, Chief, Regional Policy and Politico-Military Affairs Division, Headquarters, Department of the Army have determined that the deleted information in the enclosed documents is exempt from release because it is currently and properly classified in accordance with Executive Order 12958, as amended, Sections 1.4(a) concerning military plans, weapons systems, or operations; 1.4(c) concerning intelligence activities (including special activities), intelligence sources or methods, or cryptology; and 1.4(d) concerning foreign relations or foreign activities of the United States, including confidential sources. Further, this information is also exempt from automatic declassification in accordance with Sections 3.3(b)(5) concerning actual U.S. military war plans that remain in effect; and 3.3(b)(6) concerning information, including foreign government information, that would seriously and demonstrably impair relations between the United States and a foreign government, or serious and demonstrably undermine on-going diplomatic activities of the United States. Mr. Rodman and Mr. Krysa have also determined that the information in documents V007-V008, V011-V012, and V014 (documents which I determined to be responsive to items 6-7, 11-12, and 16 of your request), consisting of 6 pages, is exempt from release in its entirety because it concerns information currently and properly classified in accordance with Executive Order 12958, as amended, Sections 1.4(a), 1.4(c) and 1.4(d), and is also exempt from automatic declassification in accordance with Sections 3.3(b)(5) and 3.3(b)(6), all as set forth, above. Accordingly, all of this information must be withheld pursuant to 5 USC §552 (b)(1).

You may submit an appeal to James Hogan, Chief, Policy, Appeals, and Litigation Branch at the above address. Your appeal letter should be postmarked within 60 calendar days of the date of this letter, should cite case number 94-F-0492, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

(b)(6)

Will Kammer
Chief

Enclosures:
As stated

FOI/PA CASE ASSIGNMENT WORKSHEET

Case No:

94-A-012

ACTION ASSIGNED TO _____ TEAM: A B C D REVIEWER _____ CARD _____

TYPE REQUEST: Appeal Commercial Educational News/Media NonCom/Scientific Other

EXPEDITED RESPONSE REQUESTED _____ GRANT? Y N

DCII CHECK _____

UP-FRONT DOCUMENT SEARCH _____ FEE WAIVER REQUESTED _____ DATE RECEIVED:

REMARKS:

08/06 12/12

CLOSED WITHDRAWN

E-FOIA REPLY

(ASBCA) Armed Services Board of Contract Appeals
(AT&L) Acquisition, Technology, & Logistics
(A&T) Acquisition & Technology
(DAU) Defense Acquisition University
(DPAP) Defense Procurement & Acquisition Policy
(DARC) Defense Acquisition Regulation Council
(PSA) Portfolio Systems Acquisition
(TC) Treaty Compliance
(SBP) Small Business Programs
(BT) Business Transformation
(BTA) Business Transformation Agency
(DDR&E) Defense Research and Engineering
(AS&C) Advanced Systems & Concepts
(DARPA) Defense Advanced Research Projects Agency
(DMEA) Defense Micro Electronics Activity
(DSB) Defense Science Board
(I&E) Installations & Environment
(ECOADJ) Economic Adjustment
(L&MR) Logistics & Material Readiness
(IC) International Cooperation
(MDA) Missile Defense Agency
(NCB) Nuclear, Chemical, & Biological Defense Programs
(SPPGMS) Special Programs
(ATSDIO) Assistant to the Secretary of Defense (Intelligence Oversight)
(COMP) Comptroller
(PA&E) Program Analysis & Evaluation
(DPO) Defense Privacy Office
(EXSEC) The Exec. Secretariat

(I) Intelligence
(CIFA) Counterintelligence Field Activity
(JS) Joint Staff
(LA) Legislative Affairs
(NDU) National Defense Univ.
(NI) Networks and Information Integration
(NSPS) National Security Personnel System
(NSSG) National Security Study Group
(ODNA) Office of the Director, Net Assessment
(OGC) Office of General Counsel
(DOHA) Director, Office of Hearings and Appeals
(OSAWHL) Office of the Special Assistant to the Secretary of Defense for White House Liaison
(PA) Public Affairs
(DMA) Defense Media Activity
(P&R) Personnel & Readiness
(CPMS) Civilian Personnel Management Service
(DEOM) Defense Equal Opportunity Management Institute
(DMDC) Defense Manpower Data Center
(SIAD) Statistical Information Analysis Division
(FVAP) Federal Voting Assistance Program
(HA) Health Affairs
(DHSD) Deployment Health Support
(RA) Reserve Affairs
(PFFA) Pentagon Force Protection Agency
(USDP) (Policy)
(AP) Asian & Pacific Security Affairs
(CEN) Central Asia
(EAS) East Asia
(SEA) South and Southeast Asia

(IS) International Security Affairs
(AFR) Africa
(EUR) Europe & NATO
(MID) Middle East
(GS) Global Security Affairs
(CMO) Coalition Affairs
(GTS) Counternarcotics, Counterproliferation, and Global Threats
(DPO) Detainee Affairs
(MPA) Defense POW Missing Personnel Affairs Office
(DSCA) Defense Security Cooperation Agency
(DTSA) Defense Technology Security Administration
(PRT) Partnership Strategies
(HD) Homeland Defense and America's Security Affairs
(CMC) Crisis Management & Defense Support for Civil Authorities
(HLD) Homeland Def.
(HSI) Homeland Security Integration
(WHA) Western Hemisphere Affairs
(PDUSD) Policy Director
(PPO) Policy Planning
(SPD) Support for Public Diplomacy
(SO/LIC) Special Operations and Low Intensity Conflict
(FT&R) Forces Transformation & Resources
(SOC) Special Operations
(STB) Stability Operations
(STR) Strategic Capabilities
(WHMO) White House Military Office
(WHS) Wash HQ Services

(A&P) Acquisition & Procurement
(ESD) Executive Services Directorate
(GC) General Counsel
(HRD) Human Resources
(PENREN) Pentagon Renovation
No Nexus Response
Not a Proper Request Reply
Not Reasonably Described
No Records Response
Not an Agency Record
Verification Response

ARMY	DTRA
NAVY	NGA
USAF	NGB
USMC	NRO
	NSA
CENTCOM	NSC
EUCOM	SHAPE
JFCOM	TRICARE
NORTHCOM	
PACOM	CIA
SOCOM	C. GUARD
SOUTHCOM	DEA
STRATCOM	DHS
TRANSCOM	DOE
	DOJ
DCAA	DOL
DCMA	FAA
DECA	FBI
DFAS	FEMA
DIA	GSA
DISA	NARA
DLA	NPRC
DoDIG	OPM
DoDEA	SEC. SVC.
DSS	STATE
DTIC	VA



~~TOP SECRET/FRD~~

DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

15 DEC 2009

Ref: 94-A-0492

COPY

MEMORANDUM for: **DEPARTMENT OF THE ARMY**
ATTN: AHRC-PDD-FP
FREEDOM OF INFORMATION AND
PRIVACY ACTS DIVISION
7701 TELEGRAPH ROAD
ALEXANDRIA, VA 22315-3860

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
DNS-36
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

DEPARTMENT OF STATE
DIRECTOR, INFORMATION PROGRAMS AND SERVICES
ROOM 8113 SA-2
WASHINGTON, DC 20522-8113

JOINT STAFF (JS)
ATTN: (b)(6)

USD POLICY EXECUTIVE SECRETARIAT (OUSD(P))
ATTN: (b)(6)

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Robert Wampler

Attached are copies of the initial decision and the FOIA appeal in the case referenced above. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we request that you conduct another review of the attached responsive documents.

While processing the initial FOIA request, OFOI partially released 4 documents (V001-3, and 15) and denied-in-full 6 document (V007, V008, V009a, V011, V012, and V014) based on determinations from the Department of the Army, the Department of State, Joint Staff, and the Office of the Under Secretary of Defense - Policy. For your information, the initial determinations (SD Forms 472, etc.) are attached.


~~TOP SECRET/FRD~~

UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS

We request that you conduct a line-by-line review of the information currently denied. Please note that the denied information in the documents partially released is shaded in gray. For any information you determine should remain withheld, bracket the information in RED, cite the FOIA exemption(s) invoked, and provide your rationale for withholding.

You may direct your response and any questions concerning this appeal to Mr. Darrell Williams at (b)(6) or (b)(6).

(b)(6)

 James P. Hogan
Chief

Attachments:

- (1) Initial Decision
- (2) FOIA Appeal
- (3) Background Information (SD Forms 472 etc)
- (4) Responsive Docs as follows:
 - (a) Docs to Department of the Army: V015
 - (b) Docs to Department of the Navy: V011
 - (c) Docs to Department of State: V003
 - (d) Docs to JS: V001, V002, V007, V008, V009a, V011, and V012
 - (e) Docs to OUSD(P): V001, V003, V007, V008, V009a, V011, V012, V014, and V015



~~TOP SECRET/FRD~~

DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

JAN 25 2011

Ref: 94-A-0492

MEMORANDUM FOR DEPARTMENT OF THE NAVY

ATTN: (b)(6)
DIRECTOR, STRATEGIC SYSTEMS PROGRAMS
2521 S CLARK STREET SUITE 1000
ARLINGTON, VA 22202-3930

SUBJECT: Freedom of Information Act (FOIA) Appeal – Mr. Robert Wampler

Attached are copies of the initial decision and the FOIA appeal in the case referenced above. In order for the Deputy Director, Administration and Management to fulfill responsibilities as the appellate authority, we request that you conduct another review of the attached responsive document.

While processing the initial FOIA request, OSD FOIA denied-in-full the attached document (V011) based on determinations from the Department of the Army, the Department of State, Joint Staff, and the Office of the Under Secretary of Defense - Policy.

We request that you conduct a line-by-line review of the information currently denied and provide your recommendations as to the release on appeal. For any information which you recommend remain exempt, enclose that information in brackets and send the bracketed documents to this office. Cite the FOIA exemption(s) invoked for any recommended withholding and provide your rationale for denial, along with any additional comments which will assist in evaluating the appeal.

Please forward your response to this office by February 25, 2011. You may direct your response and any questions concerning this appeal to Ms. Danaeka Spear at (b)(6) or

(b)(6).

Sincerely,

(b)(6)

for James P. Hogan
Chief

Attachments:
As Stated

~~TOP SECRET/FRD~~

UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS

Redfield, Garrett J CTR (US)

From: Redfield, Garrett J CTR (US)
Sent: Thursday, August 18, 2016 8:31 AM
To: USARMY Ft Belvoir HQDA OAA AHS Mailbox RMDA FOIA
Cc: Spear, Danaeka L CIV WHS ESD (US)
Subject: Appeal Case # 94-A-0492-A1
Attachments: 94-A-0492-A1 Tasking Letter.pdf
Signed By: (b)(6)

Tracking:	Recipient	Delivery
	USARMY Ft Belvoir HQDA OAA AHS Mailbox RMDA FOIA	Delivered: 8/18/2016 8:31 AM
	Spear, Danaeka L CIV WHS ESD (US)	Delivered: 8/18/2016 8:31 AM

To Whom It May Concern:

The Appeals Office is writing to follow up on the above referenced OSD FOIA Appeal Case # 94-A-0492-A1. We originally tasked your office on January 25, 2011 to review this case. According to our records, it is not clear whether your office conducted an appellate review of the referenced case. If your office has conducted an appellate review, then please forward us a copy of your review decisions.

Attached is a copy of the original appeal tasking letter to your office. If you require another copy of the document in the referenced case, please let me know.

If your office has conducted a review and has a copy of your review decisions, please respond to this by August 26, 2016. If your office has yet to conduct a review of the case, please respond by September 9, 2016.

Sincerely,

Garrett J.R. Redfield
FOIA Appeals Analyst
Freedom of Information Division | DOD

Office: (b)(6)
(b)(6)

This electronic communication, which includes any files or attachments thereto, contains proprietary or confidential information and may be privileged and otherwise protected under copyright or other applicable intellectual property laws. All information contained in this electronic communication is solely for the use of the individual(s) or entity to which it was addressed.

This e-mail is UNCLASSIFIED//FOUO.

The National Security Archive

95-A-0508-A1

The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Phone: 202/994-7000
Fax: 202/994-7005
nsarchiv@gwu.edu
<http://www.nsarchive.org>

30 December 2008

Mr. James Hogan
Chief, Policy, Appeals and Litigation Branch (FOIA)
1155 Defense Pentagon
Washington, D.C. 20301-1155

Re: 95-F-0508

Dear Mr. Hogan

This is an administrative appeal under the Freedom of Information Act. Through a letter dated 20 November 2008, the Defense Department released excised versions of two Weapons Systems Evaluation Group studies, one on "The Relative Military Advantages of Missiles and Manned Aircraft," the other, "An Analysis of Operational Procedures During Exercise High Heels 67." I will not appeal the excisions from the first item, "Relative Military Advantages." It has come to my attention that this study has been released before with much more information declassified (see enclosure 1) than in the version at issue here. That this document was apparently released during the 1980s or early 1990s under the even more restrictive President Reagan executive order suggests that declassification reviewers then followed more reasonable standards than they do today.

With respect to the "High Heels 67" study, I ask for further review of the excised information to determine whether additional portions may be released from these documents. I also ask the reviewers of this appeal to take into account previously declassified information which is directly relevant to the excised portions of the documents at issue here. First, considerable information has been released in the past about High Heels command post exercises during the 1960s and 1970s, including significant detail about their scenarios, DEFCON decisions, participating forces, and the role of nuclear weapons in the exercises (see enclosures 1 through 5). In addition, information on some of the problems raised by the High Heels 67 exercise, including DEFCONs, attack assessment systems, and the "Selective Use of Nuclear Weapons" (exercised from the title of Chapter VI) has already been released at the National Archives in the Earle Wheeler Papers, presumably with the Joint Staff's approval (see enclosure 6). Finally, more details on problems raised by High Heels 67 are available in a declassified command-and-control study by the Institute for Defense Analyses (see enclosure 7 at page 412). In light of these previous releases, the Defense Department is in a position to declassify much more information from this study without harm to national defense or foreign relations. As for information withheld on (b) (6) grounds, the Defense Department has the discretion to release the names of officials who drafted or otherwise participated in this study. It is unlikely that meaningful privacy issues are at stake here.

Sincerely,

(b)(6)

William Burr

An independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax-deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's budget.



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

12 FEB 2009

Ref: 95-A-0508

Mr. William Burr
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Dear Mr. Burr:

This is in response to your December 30, 2008, Freedom of Information Act (FOIA) appeal.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Mr. Michael Bell at (b)(6), or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

95-A-0508-A1

REMARKS:

Highlighted = Task Directly

(AT&L) Acquisition, Technology, & Logistics	
(AS&C) Advanced Systems & Concepts	
(A&T) Acquisition & Technology	
(BTA) Business Transformation Agency	
(DARS) Defense Acquisition Regulation System	
(DARPA) Defense Advanced Research Projects Agency	
(DAU) Defense Acquisition University	
(DDR&E) Defense Research and Engineering	
(DMEA) Defense Micro Electronics Activity	
(DPAP) Defense Procurement & Acquisition Policy	
(DSB) Defense Science Board	
(I&E) Installations & Environment	
(L&MR) Logistics & Material Readiness	
(MDA) Missile Defense Agency	
(NCB) Nuclear, Chemical, & Biological Defense Programs	
(SBP) Small Business Programs	
(COMP) Comptroller	
(PA&E) Program Analysis & Evaluation	
(DPO) Defense Privacy Office	
(EXSEC) The Exec. Secretariat	
(OGC-LA) Prior to EXSEC	
(I) USD - Intelligence	
(JS) Joint Staff	
(LA) Legislative Affairs	
(NDU) National Defense Univ.	
(NI) Networks and Information Integration	
(ODNA) Office of the Director, Net Assessment	

(OGC) Office of General Counsel	
(OMC) Office of Military Commissions	
(DOHA) Director, Office of Hearings and Appeals	
(PA) Public Affairs	
(DMA) Defense Media Activity	
(P&R) Personnel & Readiness	
(CPMS) Civilian Personnel Management Service	
(DMDC) Defense Manpower Data Center	
(FVAP) Federal Voting Assistance Program	
(HA) Health Affairs	
(DHSD) Deployment Health Support-thru HA	
(RA) Reserve Affairs	
(PFPA) Pentagon Force Protection Agency	
(USDP) (Policy)	
(AP) Asian & Pacific Security Affairs	
(IS) International Security Affairs	
(GS) Global Security Affairs	
(DPO) Detainee Affairs	
(DPMO) Defense POW Missing Personnel Affairs Office	
(DSCA) Defense Security Cooperation Agency	
(DTSA) Defense Technology Security Administration	
(HD) Homeland Defense and America's Security Affairs	
(SO/LIC) Special Operations and Low Intensity Conflict	

[illegible]

No Nexus Response	
Not a Proper Request Reply	
Not Reasonably Described	
Not an Agency Record	
No Records Response	
Withdrawn	
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96-A-0192-A1

The National Security Archive

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30 April 2009

Mr. James Hogan
Chief, Policy, Appeals and Litigation Branch (FOIA)
1155 Defense Pentagon
Washington, D.C. 20301-1155

Re: 96-F-0192

Dear Mr. Hogan:

This is an administrative appeal under the Freedom of Information Act. Through a letter dated 11 March 2009, the Defense Department released an excised version of a "Briefing to President Reagan [sic] on the Strategic Defense Initiative," 11 February 1991. I ask for further review of the withheld information to determine whether some of it may be declassified. I also ask the reviewers of this appeal to take into account previously declassified information that is or may be relevant to the withheld portions. One of the excised pages concerns the range of Iraqi ballistic missiles, but a CIA report from 2002 is directly relevant because it lists the names and range (among other characteristics) of 4 such missiles (see enclosure 1). With respect to the other excised pages—details on nuclear and missile proliferation—other public record material from the Defense Department and the Central Intelligence Agency is also relevant. With this I enclose excerpts from a 1997 Defense Department report, *Proliferation: Threat and Response*, which includes detailed information on the apparent capabilities of Chinese, North Korean, Indian, Pakistani, Iranian, and Libyan ballistic missiles as well as the nuclear-biological-chemical warfare capabilities of those countries and their relationship to the NBC proliferation problem (see enclosure 2). In light of the availability of this open source material, it should be possible to declassify the some, perhaps all, of the excised portions of the briefing without harm to national security.

Sincerely,

(b)(6)

William Burr

An independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax-deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's budget.



DEPARTMENT OF DEFENSE
DEFENSE FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

19 MAY 2009

Ref: 96-A-0192
960002DOD002

Mr. William Burr
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Dear Mr. Burr:

This is in response to your April 30, 2009, Freedom of Information Act (FOIA) appeal.

Due to an extremely heavy FOIA workload, we are unable to complete your appeal within the statutory time requirement. In fairness to the general public, we make every effort to treat all requesters equally. Accordingly, responses are made on a first-in, first-out, easy-hard basis, and controlled in response queues. When the appellate review of your case is complete, you will be notified by the appellate authority, the Deputy Director of Administration and Management, Office of the Secretary of Defense, of the final decision. You may direct any questions concerning this appeal to Mr. Michael Bell at (b)(6), or

(b)(6)

Sincerely,

(b)(6)

James P. Hogan
Chief

For

96-F-0192

THE NATIONAL SECURITY ARCHIVE

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IN ALL CORRESPONDENCE PLEASE REFER
TO ARCHIVE FILE NO. 960002D0D002

17 January 1996

Charlie Y. Talbott
Chief, FOI Division
OATSD (PA), DFOISR
Rm 2C757, 1400 Defense Pentagon
Washington, D.C. 20301-1400

Dear Mr. Talbott:

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 attached page of this letter for inspection and possible copying. If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable nonexempt portions of documents which contain information you regard as exempt. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

This request is made on behalf of the National Security Archive, a nonprofit public interest research institute and library in Washington, D.C. The Archive is a tax-exempt nonprofit organization whose purpose is to enrich public policy debate by making widely available records on important areas of major public concern on foreign, defense and intelligence policy. Documents obtained by the Archive, including the records requested in this letter, are carefully analyzed, indexed, organized into collections and published. Archive document collections are also available for inspection and copying at the Archive by scholars, journalists, members of Congress and their staffs, present and former public officials, other public interest organizations, and the general public. Information in these documents is disseminated across the country through distribution of our published collections to research libraries and through the Archive's other publishing and media activities. I am conducting research on the subject of this request as part of an Archive research team which includes experts on the subject and which already has done extensive research and determined that the requested materials are necessary to our project.

Please also 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, 110 S. Ct. 1478 (1990), the Archive was declared entitled to a waiver of all search and review fees under the FOIA as a "representative of the news media." This request also qualifies for a waiver of duplication fees because disclosure of the information in the requested documents is in the public interest since release to us of these records, which directly relate to the formation of U.S. policy on the subject, is likely to contribute significantly to greater public understanding of the operations or activities of the government in making that policy. Should you decline to waive or reduce all duplication fees, we are prepared to pay normal reproduction costs if I decide to copy the records produced, but please describe your specific reasons in writing and notify us before incurring costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7000. I look forward to receiving your response within the ten-day statutory time period.

Sincerely,

(b)(6)

William Burr