

JEFFREY T. RICHELSON

0214-96

March 18, 1996

Defense Intelligence Agency  
Attn: PSP-1 (FOIA)  
Washington, D.C. 20340-3299

Dear Sirs:

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

I request copies of the following JMTC/MMSI class of '95 theses:

Richard S. Greeley, The Value of Infrared Intelligence.

The FOIA provides that if only portions of a record are exempted from release, the remainder must be released. I therefore request that I be provided with all nonexempt portions which are reasonably segregable. I particularly request that it be kept in mind that there may exist reasonably segregable portions of classified paragraphs. I also request that any present classified material be considered for declassification.

To permit an intelligent, informed decision as to whether or not to file an administrative appeal of any denial decision, I also request that you describe in detail the withheld records (or portions thereof) and explain the logical and factual basis for exemption claims. See Mead Data v. Department of the Air Force 566 F.2d 242, 251 (D.C. Cir. 1977).

I also request a fee waiver. The fee waiver provisions under section 552 (a) (4) (A) of the FOIA, as amended on April 25, 1987, rewrote section 552 (a) (4) (A) to create categories of requesters entitled to fee waivers. Under those provisions, I qualify for exemption from fees in the "news media" category. In a recent decision, the U.S. Court of Appeals for the D.C. circuit unanimously held that for FOIA fee waiver purposes "representatives of the news media" includes any individuals who regularly publish or disseminate information to the public. (See National Security Archive v. U.S. Department of Defense, No. 88-5217 (D.C. Circuit, July 28, 1989).


I easily meet this criteria as a result of my books (The U.S. Intelligence Community (Ballinger 1985, 2nd ed. 1988, 3rd. ed. 1995); Sword and Shield: The Soviet Intelligence and Security Apparatus (Ballinger, 1986); American Espionage and the Soviet Target (Morrow, 1987); Foreign Intelligence Organizations (Ballinger, 1988); America's Secret Eyes in Space (Harper & Row 1990); and A Century of Spies: Intelligence in the Twentieth Century (Oxford University Press, 1995)) and newspaper and magazine articles. (A vita is available upon request). The information in the documents I request is to be incorporated into similar publications that will further public knowledge and understanding of activities in the area of national security.

I also qualify for favored treatment under the "all other requesters" category because my work has and is highly likely to continue to contribute significantly to public understanding of the operations and activities of the government. For example, The U.S. Intelligence Community is used in numerous university courses throughout the United States (including at the Air Force Academy) as well as being used by newspaper reporters as a reference guide to the U.S. intelligence community.

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

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

Sincerely,

  
Jeffrey T. Richelson