

United States Department of State

Washington, D.C. 20520

MEMORANDUM

Case Control No. 9202533, Pt II

Requester: Joyce Battle

TO: Ms. Alana Johnson
Assistant Director
Disclosure Branch, Information Services Division
Department of Treasury, Room 1054
Washington, D.C. 20220

FROM: Frank M. Machak, Director
Freedom of Information, Privacy
and Classification Review

SUBJECT: FOI/PA Referral for Direct Reply

In processing this request, we have located the attached material which originated with your agency. Please review the material and reply directly to the requester, taking into account any Department of State interest noted below.

(x) We have no objection to declassification/release of documents numbered E00018, E00033 and E00033A .

If you have any questions, please call (202) 647-6070 and cite our case control.

Attachments:

(x) Three documents.
(x) Request letter

RF-1, Wang #11281

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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. 920568D05143

Mr. Frank M. Machak
FOIA Coordinator, Rm 1239
U.S. Department of State
2201 C Street, NW
Washington DC 20520

MAY 20 1992 ✓

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RE: Freedom of Information Act Request

Dear Mr. Machak:

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

Arch 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.

Sincerely,



Joyce Battle

Attachment

FOIA Sequence Number: 920568DOS143
Date of Request: 05/20/1992
NSA Record Number: 9084

Subject of Request:

1. An October 5, 1989 cable to the State Department from Ambassador April Glaspie discussing an October 3 meeting of economic and commercial officers that dealt with Iraq's debts and the Banca Nazionale del Lavoro affair.
2. A November 9, 1989 memorandum from Undersecretary of State for Political Affairs Robert Kimmett to Secretary of State James Baker regarding approval of \$1 billion in loan guarantees for Iraq.
3. A November 11, 1989 cable to Ambassador April Glaspie regarding the decision to approve \$1 billion in loan guarantees for Iraq.

In addition, all documents including but not limited to background papers, briefing papers, cables, reports, intelligence reports, internal papers, letters, memoranda, memoranda of conversation, position papers, talking points and working papers concerned in whole or in part with the above documents as well as:

4. Evaluations prepared by the State Department and other U.S. agencies in 1989 concerning Iraq's credit worthiness.
5. An April 24, 1989 meeting of the National Advisory Council on International Monetary and Financial Policies (NAC) to assess Iraq's credit worthiness.
6. A June 15, 1989 meeting between Eximbank Acting Chairman William F. Ryan, Jr. and Undersecretary of State for Political Affairs Robert Kimmett to discuss credits for Iraq.
7. Any correspondence from Deputy Secretary of State Lawrence S. Eagleburger from September through November 1989 regarding consideration of \$1 billion in loan guarantees for Iraq.
8. President Bush's January 17, 1990 waiver of a prohibition on Eximbank loan guarantees for Iraq.
9. Documents from 1990 discussing the Central Bank of Iraq.

To avoid unnecessary delays in processing this material, I specifically request that each document be reviewed in its entirety, and that no information in the documents be omitted on the grounds of "non-relevance."

These topics are discussed in recent articles in the Los Angeles Times.