

Central Intelligence Agency



Washington, D.C. 20505

5 September 2008

VIA FACSIMILE

Meredith Fuchs  
General Counsel  
The National Security Archive  
Gelman Library, Suite 701  
2130 H Street, N.W.  
Washington, D.C. 20037

Re: National Security Archive v. CIA, No. 06-CV-1080 (D.D.C.)  
(GK)

Dear Ms. Fuchs:

I write in response to Plaintiff's Motion for Reconsideration of the Court's 14 July 2008 Order Dismissing Case, or, in the Alternative, for Relief from or to Alter or Amend Judgment filed 28 July 2008, in the referenced case.

On behalf of the Central Intelligence Agency (CIA), I sincerely apologize for the CIA's incorrect placement of the National Security Archive into the "all other" fee category for the Freedom of Information Act (FOIA) requests referenced in your motion. These CIA actions were inadvertent and admittedly inconsistent with the CIA's decision, described in its 8 September 2006 letter to you, to "recognize the Archive as a 'representative of the news media' for purposes of assessing FOIA processing fees for all future requests. . . ."

With one exception that was a simple administrative mistake,<sup>1</sup> the CIA's letters to the Archive correctly reflected that it was never the intention of the CIA to charge the Archive any fees for processing the FOIA requests referenced in your

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<sup>1</sup> The CIA's letter, dated 30 June 2008, pertaining to request F-2007-00116, mistakenly indicated that the Archive had been placed in the "all other" fee category but failed to indicate no fees would be charged for the processing of the request.

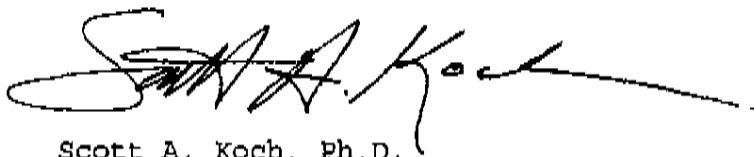
Meredith Fuchs

motion, and a review of our records reflects that the CIA did not charge the Archive any fees and that the Archive never paid any fees associated with these requests. Nevertheless, the CIA made a mistake in placing the Archive in the "all other" fee category and then waiving all processing fees. The CIA should have placed the Archive in the "representative of the news media" category, thereby obviating the need for the CIA to waive fees. This letter serves to formally withdraw the decisions related to the FOIA requests referenced in your motion that placed the Archive in the "all other" category, with the understanding that the Archive has been deemed a "representative of the news media" for these requests. No fees of any type will be charged for the processing of these requests.

I have also directed my staff to ensure that, in conformance with the CIA's 8 September 2006 letter to you, the Archive is placed in the "representative of the news media" fee category for any and all future FOIA requests the Archive submits to the CIA.

If, in the future, you believe the CIA has taken any action inconsistent with this letter, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Koch", with a long horizontal flourish extending to the right.

Scott A. Koch, Ph.D.  
CIA FOIA Public Liaison