



# The National Security Archive

A Project of the Fund for Peace

Executive Director  
John Ruthrauff

October 5, 1990

Mr. John H. Wright  
Information & Privacy Coordinator  
Central Intelligence Agency  
Washington, D.C. 20505

11 OCT 1990

Re: F90-0858

Dear Mr. Wright,

This is written in response to your letter of October 2, 1990 concerning my Freedom of Information Act request for articles in CIA publications, during 1958-60, relating to the Berlin crisis. In your letter you deny my request for a waiver of fees on the grounds that the request would not contribute "significantly to public understanding of the operations and activities of the [US] government." I believe that my request merits a waiver of fees; a letter that I sent to you on October 2 provides sufficient information to support my claim. Further, it seems to me that a request for articles on the Berlin crisis from CIA publications would be of great public interest. Such material would show how the intelligence community reported on and analyzed a major foreign policy problem during a crucial period in the history of the Cold War. My request is self-evidently one that would shed light on the U.S. government's operations and activities.

If you have any questions about this letter, please feel free to call me at the number indicated below.

Sincerely,

William Burr

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Washington, DC 20036  
202-797-0882  
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October 2, 1990

Mr. John Wright  
Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, D.C. 20505

Re: F90-0257 and F90-0289

Dear Mr. Wright,

This is written in response to your letters of 14 and 20 September 1990. In those letters you addressed my requests for a fee waiver on my Freedom of Information Act requests for finished intelligence reports concerning the Berlin crisis and/or Berlin situation during 1962 and 1963. In both instances, you denied me a fee waiver on the grounds that the information requested pertains to Berlin or East and West Germany and is therefore "not likely to contribute significantly to public understanding of the operations or activities of the United States Government."

In your letter, you recognize that the Archive is "eligible for categorization as 'representative of the news media'" if can establish that eligibility by showing its intent to publish the materials requested. As your agency is well aware through information provided by the Archive in the past, the Archive is engaged in a comprehensive program to publish document sets relating to various areas of U.S. foreign policy. The Archive plans to publish by late 1992 a comprehensive set of documents on the Berlin crises, 1958-1962. Consistent with this intent, I am assembling a collection of documents on the crises, using materials from the National Archives, the Presidential Libraries, and other federal agencies. These collected documents are already available for use by researchers at the Archive's facilities and are being put on our computer data base to make them even more accessible to researchers.

The document set on the Berlin crises will be a part of the Archive's series on "The Making of U.S. Policy" that our co-publisher Chadwyck-Healey has

already begun to distribute. Indeed, your Agency has purchased one of our sets, Iran, 1977-1980. The set on the Berlin Crises will be comparable to that one: the documents will be thoroughly indexed by name and subject, with accompanying glossaries and chronologies. Our record of publication and our plans to publish additional document sets, such as the one on Berlin, makes us eligible for media representative status.

I was astonished to read that your agency believes that intelligence reports on Berlin or East and West Germany are not related to U.S. government operations or activities. I believe that such documents are related to the operations or activities of our government and that it is improper for the CIA to deny a fee waiver for a Freedom of Information Act request for them. The following considerations are relevant:

- 1) To this date, although not for long, the United States government and its French and British allies have had troops and military installations in West Berlin. In addition, the U.S. and other Allied military commanders have played a major role in the administration of the city (see the enclosed article from today's Washington Post). This military presence gave the U.S. government a direct stake in the political and military security of the city. Therefore, any finished intelligence reports on the Berlin situation would relate to the "operations and activities" of the U.S. government and enlarge the public's understanding of the same.
- 2) During the late 1950s and early 1960s, the United States was engaged in a bitter, sometimes frightening, confrontation with the Soviet Union and East Germany over the status of Berlin. U.S. government officials spent much time and energy trying to find ways to defuse this confrontation. Given this context, any intelligence reports on the Berlin or the East German situations generally would necessarily shed much light on the "operations and activities of the United States government." Finished reports would have provided policymakers with the information they needed to determine which way the Berlin situation was heading, whether negotiations were possible or whether the U.S. needed to gear up for war.
- 3) The Berlin crisis was closely tied to the "German question." U.S. policymakers believed that the way they resolved the crisis would influence the long-term political and military situation in West Germany. During those years, and until very recently, the U.S., along with the Allied victors in World War II, had internationally recognized rights to maintain troops in West German until such time as the question of German reunification was settled. Consistent with those rights, and consistent with its participation in NATO, the U.S. had during the early

1960s, as it does today, sizable military forces in West Germany. Therefore, the question of West German political and military security was of direct interest to the United States government. Given such an interest, finished intelligence reports on the East and West German situations would have been useful to policymakers who were trying to protect the U.S. position in West Germany. Therefore, the release of such documents would contribute to "public understanding of the operations and activities of the United States Government."

In the light of the above, the Archive is clearly entitled to a fee waiver for these and any other Freedom of Information Act requests relating to the Berlin Crises under Eisenhower and Kennedy. If you have any questions, please do not hesitate to give me a call.

Sincerely,

William Burr  
Project Editor, Berlin Crises