

John H. Clarke
2424 Pennsylvania Ave, NW
Apartment 410
Washington, DC 20037
(202) 344-0776
JohnHClarke@earthlink.net

July 25, 2013

By fax (703) 613-3007 Total pages: -7-

Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

Re: FOIA Request for records disclosed in *Stalcup v. CIA*,
USDC MA Case 11-11250

Dear FOIA Officer:

Under the Freedom of Information Act, 5 U.S.C. § 552, as amended (the "FOIA"), I am requesting a copy of records generated by the CIA in its probe into the July 17, 1996 TWA Flight 800 tragedy. Specifically, I seek copies of records that were produced in the FOIA litigation *Stalcup v. CIA*, USDC MA Case 11-11250. Please produce these records in electronic format, or PDF.

More specifically, I seek records identified in two cover-letters accompanying productions. Copies of these transmittal letters are attached.¹ The first such letter, dated March 30, 2012, identifies its enclosures:

Enclosed at Tab A is one DVD copy of the CIA produced video.
Enclosed at Tab B are 49 documents that can be released in their entirety.
Enclosed at Tab C are 89 documents that can be released in segregable form with deletions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), (b)(6) and/or (b)(7)(c).

I seek the documents identified as appearing under Tabs B and C, and do not seek the DVD.

¹ The CIA's first letter appearing in the *Vaughn* index in the captioned case, dated May 28, 2010, states that the Agency "received an earlier FOIA request for records on the same subject..." and enclosed "25 previously released" documents, totaling "234 pages." The CIA refers in this letter to the case of *Lahr v. National Transp. Safety Bd.* 453 F. Supp.2d 1153 (C.D. Cal. 2006). I do not seek the records transmitted with this May 2010 letter.

The cover-letter accompanying the other relevant production, dated October 24, 2012, states, "[e]nclosed are 14 documents that can be released in segregable form with deletions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(6), (b)(7)(c), and or (b)(7)(e)." It is these 14 documents that I seek.

Please note that this request is limited to records that were not previously produced in *Lahr v. National Transp. Safety Bd. et al.* Thus, if not unduly burdensome, please exclude from the scope of this FOIA Request records that were produced by the CIA in the *Lahr* litigation even if such records are otherwise identified as having been produced by the CIA in its letters of March 30, 2012, and October 24, 2012, in the captioned matter.

If there are any fees for searching for, reviewing, or copying the records, please notify me before processing, if the amount is to exceed fifty dollars. However, inasmuch as this request is limited to already made disclosures referenced in the Agency's two attached letters (March 30, 2012 and October 24, 2012), I suggest that there should be no search or review fees. Kindly produce these records in electronic format. *See* e-FOIA amendment 5 U.S.C. § 552 (a)(3)(B), as amended, requiring Agency to "provide the record in any form or format requested . . . if the record is readily reproducible by the agency in that form or format." *See generally* FOIA Update Vol. XVII, No. 4, 1996.

If you have any questions about handling this request, please ask via telephone or email.

Sincerely,

John H. Clarke

Enclosures

Central Intelligence Agency



Washington, D.C. 20505

30 March 2012

VIA FEDERAL EXPRESS

Mr. Tom Stalcup
President
19 Research Road
East Falmouth, MA 02536

Reference: F-2010-00895 / *Stalcup v. CIA* (1:11-cv-11250)

Dear Mr. Stalcup:

This is our final response to your 31 March 2010 Freedom of Information Act (FOIA) request for all "information related to or a product of the CIA's involvement in the TWA Flight 800 investigation" including:

1. A copy of the CIA's March 1997 "Technical Analysis Briefing: TWA Flight 800."
2. All eyewitness documents, reports, videos images, and/or audio provided to the CIA by the FBI and/or any other entity, individual, or agency for the CIA's analysis of the TWA Flight 800 eyewitness evidence.
3. Any and all correspondence regarding the CIA's involvement in the TWA Flight 800 accident investigation or its analysis of the eyewitness evidence.

We processed your request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 431, as amended. Our processing included a search for all responsive records within CIA's holdings.

Enclosed at Tab A is one DVD copy of the CIA produced video.

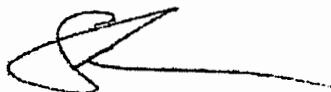
Enclosed at Tab B are 49 documents that can be released in their entirety.

Enclosed at Tab C are 89 documents that can be released in segregable form with deletions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), (b)(6) and/or (b)(7)(c).

In addition, there are a couple of documents in coordination with other Government Agencies (OGAs). Once they complete their reviews, we will provide you with all releasable, nonexempt information. Additionally, we referred other documents to OGAs, and when they complete their review, they will respond directly to you.

Since the above-reference request is a subject of pending litigation in federal court, in accordance with Agency regulations as set forth at Section 1900.42 of Title 32 of the Code of Federal Regulations, no appeal of this determination will be accepted administratively.

Sincerely,

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

Scott A. Koch
Acting Information and Privacy Coordinator

Enclosures

C05932859

Central Intelligence Agency



Washington, D.C. 20505

24 October 2012

Mr. Tom Stalcup
President
19 Research Road
East Falmouth, MA 02536

Reference: F-2010-00895 / *Stalcup v. CIA* (1:11-cv-11250)

Dear Mr. Stalcup:

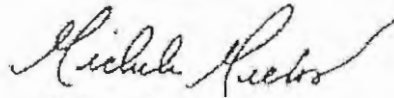
This letter supplements the response contained in our letter to you dated 30 March 2012. At that time we informed you that a number of documents were in coordination with other government agencies and that we would provide you with all releasable, nonexempt information when that review was complete. This addresses the remaining responsive CIA-originated documents and is our final response to your 31 March 2010 Freedom of Information Act (FOIA) request for all "information related to or a product of the CIA's involvement in the TWA Flight 800 investigation."

We processed your request in accordance with the FOIA, 5 U.S.C. §552, as amended, and the CIA Information Act, 50.S.C. §431, as amended.

Enclosed are 14 documents that can be released in segregable form with deletions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(6), (b)(7)(c), and or (b)(7)(e). Please note that documents C01147295 and C05784358 are conglomerations of interview reports, summaries, extracts and notes originated by multiple agencies. Interspersed throughout these two documents are multiple copies (not included) of individual pages from a 20 page document originated by another agency. The underlying 20 page document has been referred to the originating agency for review and direct response to you.

Since the above-referenced request is the subject of pending litigation in federal court, in accordance with CIA regulations as set forth at Section 1900.42 of Title 32 of the Code of Federal Regulations, no appeal of this determination will be accepted administratively.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Meeks".

Michele Meeks
Information and Privacy Coordinator

C05932859

Attachments

C05779968
C05782656
C05782956
C05782965
C05784358
C01147293
C01186295
C01186296
C01147291
C01147292
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