

February 6, 2006

Mr. Scott Koch
Information and Privacy Coordinator
Agency Release Panel
Central Intelligence Agency
Washington, DC 20505
Telephone number: (703) 613-1287
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Dear Mr. Koch:

I am appealing your decision to “neither confirm nor deny the existence or nonexistence of” the Iraqi weapons declaration on chemical, biological and nuclear programs to the United Nations Security Council required under paragraph 3 of Security Council resolution 1441 delivered by Iraq in December 2002. You stated your decision in a February 1, 2006 letter. I requested a Mandatory Declassification Review of the Iraqi weapons declaration in a November 30, 2005 letter to you.

You state that this document would be classified, “unless it has been officially acknowledged.” The Iraqi weapons declaration has not only been mentioned hundreds if not thousands of times in news accounts in the United States and around the world, but has been the subject of or “officially acknowledged” in numerous U.S. government statements. For example, the State Department issued a one-page paper entitled “Illustrative Examples of Omissions From the Iraqi Declaration to the United Nations Security Council” on December 19, 2002 (see: <http://www.state.gov/r/pa/prs/ps/2002/16118.htm>). Moreover, the CIA has also referred to the Iraqi weapons declaration in its “Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2002”(see: http://www.cia.gov/cia/reports/721_reports/july_dec2002.htm#4). In that unclassified report, the CIA said:

On 7 December 2002, Iraq submitted a 12,200-page weapons declaration under United Nations Security Council Resolution 1441. In that declaration, Iraq still maintained that it possessed no WMD, including BW or CW. A full assessment or verification of that declaration was not completed by the end of 2002, but much of the declaration was a repeat of previous submissions, and in some instances disagreed with what UNMOVIC already knew.

Clearly, the CIA can acknowledge whether or not the Iraqi weapons declaration exists, in fact it already has. It is no secret that the Iraqi weapons declaration exists. It is no secret that the CIA knows the Iraqi weapons declaration exists.

You also state that “The fact of the existence or nonexistence of such records would also relate to directly to information concerning intelligence sources and

methods.” As shown above, it has been publicly known that these records exist since Iraq submitted them to the United Nations on December 7, 2002. If the CIA was concerned that confirmation of the existence or nonexistence of these records posed a threat to its intelligence sources and methods, then that damage has already been done since the CIA has already officially acknowledged the records.

However, the argument that the existence of these records could somehow reveal and/or damage US intelligence sources and methods is highly unlikely. The former Iraqi government did not utilize the US intelligence sources and methods in creating its own weapons declaration. The Iraqi weapons declaration is not an American or Iraqi intelligence product. Furthermore, the former Iraqi regime does not exist anymore.

If any classified information, for example, technical nuclear information, exists within the declaration, it could be redacted.

In sum, your “glomar” response does not make sense since the CIA and other US government entities have already publicly and officially acknowledged the existence of the Iraqi weapons declaration. US intelligence sources and methods can, in no conceivable way, be harmed or revealed by confirming the existence of or disclosure of the Iraqi weapons declaration. And if any classified information exists within the document, the CIA can redact that particular information. I appeal your decision.

Feel free to contact me if you have any questions.

Sincerely,



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