


William Aceves


CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Directorate for Freedom of Information and Security Review
Assistant Secretary of Defense (Public Affairs)
Room 2C757
The Pentagon
Washington, D.C., 20301-1400

RE: Freedom of Information Act Request Relating to all
Documents in Reference to the Freedom of
Navigation program

Dear Sir or Madam:

Pusuant to the Freedom of Information Act (5 U.S.C. Section 552), and the United States Department of Defense Rules governing the Availability of Information, (Freedom of Information Act DoD Directive 5400.7, and 32 CFR 286 et seq), I request that the documents described and detailed in this request be made available to me for copying as provided within the aforesaid Statutes and Rules.

I write to request a copy of all information regarding the Freedom of Navigation program. In 1975, the United States began a formal program of protecting traditional navigation rights and freedoms from encroachment by illegal maritime claims. This program began by presenting formal diplomatic protests to states asserting excessive territorial claims. On August 10, 1979, the Carter Administration formally established the Freedom of Navigation program to contest objectionable claims and to uphold the American commitment of the freedom of the seas. The Joint Chiefs of Staff sent directives to Navy and Air Force commanders instructing them that they were authorized to approach coastal states to within three miles. Since 1979, the United States has contested the objectionable claims of states asserting extensive sovereignty over territorial waters at the rate of approximately thirty per year. The Reagan Administration continued to follow the Freedom of Navigation. The U.S. naval and air maneuvers in the Gulf of Sidra were undertaken pursuant to the Freedom of Navigation program.

To help avoid any misunderstanding of what records are being requested, I am enclosing a copy of a news account which refers to this material.

Where this request is for records that are in the possession, under the control of, or created by a constituent office of the Department of Defense, I ask that you forward this

request to the office or department that you believe may have records that are responsive to this request. In the alternative, I ask that you inform me of other agencies that might have such records.

If the requested records are not in the possession of your agency, I ask that you forward this request to the office or department that you believe may have records that are responsive to this request. In the alternative, I ask that you inform me of other agencies that might have such records.

As you know, the FOIA provides that even if some requested material is properly exempt from mandatory disclosure, all segregable portions must be released [5 U.S.C. Sec. 552(b)]. If all material covered by this request is withheld, please inform me of the specific exemptions that are being claimed.

If the request material is released with deletions, I ask that each deletion be marked to indicate the exemption(s) being claimed to authorize each particular withholding. In addition, I ask that your agency exercise its discretion to release information that may be technically exempt but where withholding would serve no important public interest.

As you know, the FOIA provides that agencies may reduce or waive fees if it would be "in the public interest because furnishing the information can be considered as primarily benefitting the public." [5 U.S.C. 552(a)(4)(A)] [32 CFR 286 et seq]. I believe that the release of this material would be of benefit to the public because the dissemination of this information is likely to contribute significantly to public understanding of the operations and activities of the Department of Defense. Moreover, the information requested is of vital interests to citizens interested in understanding U.S. operations. Finally, this request is not in my commercial interests since it is based on scholarly and educational interests. I am a graduate student at the University of Southern California and will use the requested information in the preparation of my graduate dissertation. Furthermore, the information will be published once my dissertation is completed. I therefore ask that you waive any fees relating to this request. If you rule otherwise, I ask that you inform me of the charges before you fill my request.

Should you have any questions concerning this request, please do not hesitate to contact me at the above address or telephone me at the above number. I would be happy to discuss the ways in which this request could be clarified or somewhat redesigned to reflect your agency's filing system and speed the search for the records. As provided under the FOIA, I will expect a reply within ten (10) working days from your receipt of this request.

Very truly yours,

Handwritten signature of William F. ...

APPENDIX

Definitions

For purposes of this request for information under the Freedom of Information (5 U.S.C. Sec. 552) and the United States Department of Defense Rules governing the Availability of Information, (32 CFR 286 et seq) the following definitions shall apply unless some other meaning is specifically indicated:

A. "United States Department of Defense" shall mean the United States Department of Defense and any director or any employee thereof. Unless otherwise specifically indicated, any reference to the United States Department of Defense is intended to include all of its operating Bureaus, Officers and all of its regional offices, bases, and field stations.

B. "Document" shall mean any letter, report, draft, note, speech, memoranda (including memorandum of meetings or telephone conversations), diary entry, analysis, agreement, contract, proposal, list, check, receipt, data sheet, data processing card or input or output record, minutes, statement, opinion, guideline, calculation, or any other writing or recording (formal or informal) however produced or reproduced together with any and all items attached or affixed to each

original or copy, regardless of who prepared the same, which are in the custody or otherwise under the control of the United States Department of Defense.

C. Time Period. Unless otherwise stated, this request shall cover all documents which have come into the possession of the United States Department of Defense.

Rights and Freedoms in International Waters

DEPARTMENT STATEMENT.
MAR. 26, 1986¹

The United States is committed to the exercise and preservation of navigation and overflight rights and freedoms around the world. That is the purpose of the freedom of navigation program. In fulfillment of the objectives of that program, U.S. ships and aircraft exercise rights and freedoms under international law off the coasts of numerous countries.

In this regard, the United States acts in accordance with President Reagan's March 10, 1983, ocean policy statement, which stated U.S. willingness to recognize the rights of other countries in the waters off their coasts, as reflected in the 1982 UN Convention on the Law of the Sea, so long as those countries respected the rights of the United States and other countries in those waters under international law.

U.S. ships and aircraft have exercised rights and freedoms off the coasts of countries whose laws do not conform to international law as reflected in the 1982 Law of the Sea Convention. Examples of the types of objectionable claims against which the United States has exercised rights and freedoms are unrecognized historic waters claims, territorial sea claims greater than 12 nautical miles, and territorial sea claims that impose impermissible restrictions on the innocent passage of any type of vessels, such as requiring prior notification or permission. The United States, of course, exercises navigation and overflight rights and freedoms as a matter of routine off the coasts of countries whose maritime claims do conform to international law. Since the policy implementation in 1979, the U.S. Government has exercised its rights against the objectionable claims of over 35 countries, including the Soviet Union, at the rate of some 30-40 per year.

¹Made available to news correspondents by State Department deputy spokesman Charles Redman. ■

Afghanistan Day, 1986

PROCLAMATION 5450.
MAR. 21, 1986¹

The people of Afghanistan celebrate March 21 as the beginning of their new year. In ordinary times, it is an occasion of joy, renewal, and hope for a better future. March 21, 1986, however, does not mark the passage of an ordinary year, nor does it bring cause to celebrate. For the heroic Afghan people it marks the beginning of yet another year in their struggle for national liberation against the ruthless Soviet military force that seeks to conquer them.

Over six years ago, on December 27, 1979, the Soviet army invaded Afghanistan, a small, friendly, nonaligned, and deeply religious neighbor. For six long years, the Soviets have sought to obliterate Afghan culture and remold that ancient nation into a replica of their own system, causing millions of Afghan refugees to flee the country. To achieve their goals, the Soviets installed the quisling regime of Babrak Karmal, in which Soviet advisors now man the key positions. They have transported thousands of young Afghans to the Soviet Union for reeducation in summer camps, universities, and specialized institutions, and they have set up a secret police apparatus matched in brutality only by their own KGB.

These tactics hardly begin to describe the continuing horror of the Soviet attempt to subjugate Afghanistan, a violation of international law repeatedly condemned by the United Nations. Despite calculated destruction of crops, irrigation systems, and livestock, indiscriminate air and artillery bombardments of civilian areas, brutal reprisals against noncombatants, and other unspeakable atrocities, the Afghan people remain determined to defend their liberty. The resistance has in fact become more effective than ever.

The Soviet failure to quell the Afghan people is not surprising. The Afghans have a long history of resisting invasion and of defending their homes, their faith, and their culture. Since December 1979, resistance fighters have acquitted themselves well in many engagements against larger and better armed Soviet forces. The Afghan freedom fighters have shown they can render all of their country unsafe for the invader. After six years of

hard, bloody fighting, the Soviets are far from achieving their military goals.

Recently the Afghan resistance has taken major steps toward achieving unity and making its presence felt on the international scene, strengthening its ability to publicize the Afghan cause. We welcome these developments. With the support of the community of civilized nations, the Afghan resistance has also increased its efforts to aid civilians remaining inside Afghanistan. This will improve the Afghan people's ability to carry on the fight and counter the deliberate Soviet attempt to drive the civilian population away from resistance-controlled areas.

Throughout the period of their brutal occupation, the Soviets have tried—but failed—to divide the international supporter of the cause of Afghan freedom. They cannot be divided. The overwhelming votes in the United Nations General Assembly, year after year, are but one expression of the ongoing commitment of the world community to this cause. For our part we reaffirm our commitment to support this just struggle until the Soviets withdraw; until the people of Afghanistan regain their liberties, their independence, and the right to self-determination; and until the refugees can return in safety to their native land. Only such a settlement can command the support of the Afghan people; a settlement that does not command their support will not end this war.

Today, we pay tribute to the brave men, women, and children of Afghanistan and remind them that their sacrifice is not and will not be forgotten.

The Congress, by Senate Joint Resolution 272, has authorized and requested the President to issue a proclamation designating March 21, 1986, as "Afghanistan Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim March 21, 1986, as Afghanistan Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

¹Text from Weekly Compilation of Presidential Documents of Mar. 24, 1986. ■