

20 September 1978

OLC #78-5240

MEMORANDUM FOR : Assoc. Deputy Director for Administration
 Assoc. Deputy Director for Operations
 Assoc. Deputy Director for National Foreign Assessment Center
 Assoc. Deputy Director for Science & Technology
 Executive Secretary/DCI
 Inspector General
 Legislative Counsel
 General Counsel
 Attn: [redacted]

FROM : [redacted]
 Office of General Counsel

SUBJECT : Request to Produce Documents in the Environmental Suit Pertaining to Island of Vieques, Puerto Rico, Entitled Carlos Romero-Barcelo, et al. v. Harold Brown, et al. (Carlos Romero-Barcelo is Identified as the Governor of Puerto Rico in the Interrogatories.)

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Attached is a copy of a self-explanatory letter dated September 5, 1978 from the Department of Navy, the first three pages of the Interrogatories (enclosure 1), the first page and other pertinent pages in the Supplemental Request to Produce Documents (enclosure 2) and the one page constituting the list (enclosure 3).

Item Nos. [redacted] identify the documents specifically requested of CIA. See definition number 3 on page two of the Interrogatories for a description of "document."

Would you please conduct a search and advise me as soon as possible if your office has any documents responsive to this request. If you have any questions regarding this request, please contact me on [redacted]

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[redacted]

Attachments, a/s

25X1



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON, D. C. 20370

IN REPLY REFER TO
JAG:140:GPL:evb
14/16038

5 SEP 1978
Rec 12 9/18/78
LD

STAT

[Redacted]
Office of the General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Re: Interrogatories and Supplemental Request to
Produce Documents-Environmental Suit Pertaining
to Island of Vieques, Puerto Rico

Dear Sir:

SEE
ENCL.
3. →

Pursuant to Rules 33 and 34 of the Federal Rules of Civil
Procedure, enclosures (1) and (2) are forwarded for response
as to those matters which are under your cognizance. Enclosure
(3) provides specific guidance as to those interrogatories
and production requests to which it is requested you provide
answers.

Although the United States and, in particular, your agency
are not parties to the instant suit and are therefore not
legally compelled to respond to plaintiffs' interrogatories
and production requests, it is suggested that you respond
inasmuch as plaintiffs are likely to amend their complaint
to include your agency as a named party should they meet
with any resistance.

Draft responses should include the number of the interrogatory/
production request, the exact language of the interrogatory/
production request, and the appropriate response. A sample
format would appear as follows:

a) Interrogatory #43

Answer:

b) Production Request #21

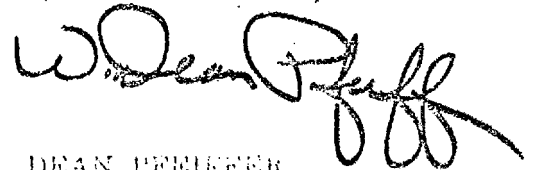
Answer:

Draft responses should be forwarded to this Office no
later than September 29, 1978. Further inquiries may be
directed to Captain G. P. Lyon, USMCR, of this Office who
may be contacted at:

Autovon: 224-4028/32

Commercial: (202) 694-4028/32.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. Dean Pfeiffer". The signature is written in dark ink and is positioned above the typed name and title.

W. DEAN PFEIFFER
Captain, JAGC, U.S. Navy
Deputy Assistant Judge
Advocate General (Litigation)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CARLOS ROMERO-BARCELO, <u>et al.</u> ,)
)
<u>Plaintiffs,</u>)
)
v.)
)
HAROLD BROWN, <u>et al.</u> ,)
)
<u>Defendants.</u>)

Civil Action No. 78-323

LUIS MEDINA, <u>et al.</u> ,)
)
<u>Plaintiffs,</u>)
)
v.)
)
HAROLD BROWN, <u>et al.</u> ,)
)
<u>Defendants.</u>)

Civil Action No. 78-377

FIRST SET OF INTERROGATORIES SUBMITTED BY
PLAINTIFFS CARLOS ROMERO-BARCELO
GOVERNOR OF PUERTO RICO, ET AL.

TO: HAROLD BROWN, INDIVIDUALLY AND IN HIS CAPACITY AS
SECRETARY OF DEFENSE

W. GRAHAM CLAYTOR, JR., INDIVIDUALLY AND IN HIS
CAPACITY AS SECRETARY OF THE NAVY

JAMES L. HOLLOWAY, INDIVIDUALLY AND IN HIS CAPACITY AS
CHIEF OF NAVAL OPERATIONS

I. C. KIDD, JR., INDIVIDUALLY AND IN HIS CAPACITY
AS COMMANDER-IN-CHIEF, ATLANTIC FLEET

LOUIS H. WILSON, INDIVIDUALLY AND IN HIS CAPACITY
AS COMMANDANT, UNITED STATES MARINE CORPS

Plaintiffs Carlos Romero-Barcelo, et al., request that
each of you answer, under oath the following interrogatories
in the manner and within the time required by Rule 33 of the
Federal Rules of Civil Procedure or when the Court may
otherwise order.

Enclosure (1)

As used herein, the following definitions and instructions apply, in addition to the definitions contained in Rule 33:

1. Number.

The singular shall be deemed to include the plural in all applicable cases.

2. Disjunctive/Conjunctive.

The disjunctive shall be deemed to include the conjunctive in all applicable cases.

3. Document.

The word "document" means the original or a copy thereof, regardless of origin or location, of any book, pamphlet, periodical, letter, memorandum, telegram, report, record, study, handwritten note, working paper, chart, paper, graph, index, tape, data sheet or data processing card, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced, or reproduced, which is in defendants' possession, or to which defendants' have or have had access, or of which they have knowledge. For any "document" identified in response to the attached interrogatories, indicate whether any such document(s) has been altered, modified, revised or changed in any way whatsoever by any person or entity.

4. Identify.

The word "identify," when used with respect to a "document," means to state the name or title of the "document," the type of "document," its date, the person(s) who authorized it, the person(s) who signed or made it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its present location, and its present custodian.

5. Department of Defense

The term "Department of Defense" includes the Department of Defense, and any entity or entities or person or persons within the Department of Defense, or its agents, including defendants.

End of Definitions

1. Specify the kinds of weapons range activities conducted on Vieques for each year 1968 through the current month.

a. State the number of hours, rounds fired, live rounds fired, troops participating in, and the number of days of artillery practice on Vieques for each year 1968 through the current month;

b. State the number of hours, rounds fired, live rounds fired, ships participating in, and the number of days of Naval Gunfire Support ("NGFS") on Vieques for each year 1968 through the current month;

c. State the number of hours, rounds fired, live rounds fired, sorties flown, jet aircraft participating in, and the number of days of air-to-ground target practice on Vieques for each year 1968 through the current month;

d. State the total number of hours for each year 1968 through the current month, during which military target practice on Vieques occurred after 8:00 p.m. or before 8:00 a.m.;

e. State the number of air-to-ground and ship missiles fired on Vieques for each year 1968 through the current month.

2. a. Answer Interrogatory No. 1 in respect of weapons range activities conducted on Culebra;

b. Answer Interrogatory No. 1 in respect of weapons range activities conducted at all ranges used by the Atlantic Fleet;

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CARLOS ROMERO-BARCELO, <u>et al.</u> ,)
)
<u>Plaintiffs,</u>)
v.)
HAROLD BROWN, <u>et al.</u> ,)
)
<u>Defendants.</u>)
<hr/>	
LUIS MEDINA, <u>et al.</u> ,)
)
<u>Plaintiffs,</u>)
v.)
HAROLD BROWN, <u>et al.</u> ,)
)
<u>Defendants.</u>)
<hr/>	

Civil Action No. 78-323

Civil Action No. 78-377

SUPPLEMENTAL REQUEST TO PRODUCE DOCUMENTS
UNDER RULE 34 OF THE
FEDERAL RULES OF CIVIL PROCEDURE

Plaintiffs Carlos Romero-Barcelo, et al. have served the First Set of Written Interrogatories on defendants. In said Interrogatories plaintiffs request copies of memoranda, reports, research and other documents in connection with answers to certain Interrogatories.

Plaintiffs hereby request the production of all documents requested in said Interrogatories, together with additional documents (as that term is defined in the First Set of Written Interrogatories), as listed hereinafter:

1. A copy of a Navy communication designated "CINCLANFLT 191417," dated October 1973.
2. A letter from Cameron B. Kepler, U.S. Department of Interior to the Navy, dated June 22, 1971.
3. A document entitled "Phase I, Final Report, Department of the Navy Supplement to Draft Environmental

Enclosure (2)

23 August 1973 and discussing the relocation of Culebra to Desecheo.

29. A Navy document designated AFWR 102038Z September 73, pertaining to an estimate of the training requirements in the AFWR area regardless of target location.

30. The following Navy documents:

- a. COMCARIBSF 071950Z, September 73;
- b. COMSECONDFLT 152111Z, August 73;
- c. ATKCARAIRWINGRES 20 081224Z, August 73;
- d. CINCLANTFLT 041915Z, January 72.

31. All written responses or evaluations by the Navy of a letter dated August 9, 1971, from Antonio Rivera Rodriguez, Mayor of Vieques, to Admiral Ward and Captain Ronald J. Harp, U.S. Naval Station Roosevelt Roads, Culebra, PR.

32. All comments made by federal or state government agencies on a document entitled "Draft EIS - Atlantic Fleet Integrated Weapons Training Range," March 30, 1973.

3. All memoranda, notes, reports, records or other documents with respect to all meetings or conferences held by Navy personnel since March 6, 1978, to discuss:

- a. the military necessity for the continued use of Vieques as a target range;
- b. alternatives to the current use of Vieques as a military target range.

34. All memoranda, notes, reports, records or other documents with respect to all meetings or conferences held since March 6, 1978, by United States Department of Defense, State Department, National Security Council, Central Intelligence Agency, or other Executive Branch personnel to discuss:

a. the necessity for the continued use of Vieques as a target range;

b. alternatives to the current use of Vieques as a military target range.

35. A copy of the correspondence from Secretary of Defense, Melvin Laird, to the U.S. Congress in which the Secretary's recommendations, derived from the 1971 Culebra study were forwarded to Congress.

36. A copy of all correspondence sent by any member of Congress to the Office of the Secretary of Defense in response to the correspondence described in No. 35, supra.

37. A copy of all correspondence sent by the Department of Defense to the Government of the Commonwealth of Puerto Rico referring to the results or recommendations of the 1971 Culebra study.

38. A copy of all memoranda, reports, or responses to, or any documents evaluating, any of the recommendations of the 1971 Culebra study, by:

- a. Department of Defense
- b. National Security Council;
- c. Department of State;
- d. Central Intelligence Agency;
- e. Any other entity of the federal govern-

ment.

39. A copy of all directives, orders or other documents of the Department of Defense, the National Security Council, or Central Intelligence Agency, or any other entity of the federal government implementing or intending to implement any of the recommendations of the 1971 Culebra study.

LIST

A) Production Request:

34, 38, 39

Enclosure (3)

UNCLASSIFIED

INTERNAL
USE ONLY

CONFIDENTIAL

SECRET

Approved For Release 2004/10/12 : CIA-RDP81M00980R001400080032-4
ROUTING AND RECORD SHEET *OGC 78-5240*

SUBJECT: (Optional)

FROM:
Office of General Counsel
7C 31 Hqs.

EXTENSION

NO. OGC 78-6227

DATE 20 September 1978

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. Legislative Counsel
7D 49 Hqs.

2.

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13.

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DOD

Approved For Release 2004/10/12 : CIA-RDP81M00980R001400080032-4

FORM 3-62

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USE PREVIOUS EDITIONS

SECRET

CONFIDENTIAL

INTERNAL USE ONLY

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