

EXHIBIT A

Holland & Knight

800 17th Street N.W., Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Cynthia A. Gierhart
+1 202-469-5416
Cindy.Gierhart@hklaw.com

Sara Benson
+1 202-469-5522
sara.benson@hklaw.com

November 15, 2023

Kellie Robinson, Public Liaison
U. S. Department of State
Office of Information Programs and Services
2201 C Street N.W., Suite B266
Washington, D. C. 20520-0000
FOIARequest@state.gov
RobinsonKN@state.gov

Re: FREEDOM OF INFORMATION ACT REQUEST

Dear Ms. Robinson:

We represent Skywriter Communications, Inc. (“Skywriter Communications”) in connection with this request. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, Skywriter Communications requests access to and copies of the following records, as defined by 5 U.S.C. § 552(f):

1. Any and all records related to the 1979 report by Regional Security Officer Charles K. Boles for the DoS Office of Security (SY) of RSO Boles’ investigation into the kidnapping and death of Ambassador Dubs completed in the period June and July 1979 (the “original 1979 Boles report”).
2. Any and all records related to the delivery of the original 1979 Boles report to the Department of State, and the report’s subsequent classification, distribution, handling and review.
3. Any and all records related to any editing done to the original 1979 Boles report.
4. Any and all records related to the creation of a shortened version of the 1979 Boles report, namely the creation of the 1980 documents contained in RG59, Lot 83D135, Box 12, Dubs, Adolph Amb—Afgh, Kidnapping Death—Feb 14, 1979–1980.

U.S. Department of State

November 15, 2023

Page 2

5. Any and all records related to the creation of the 17-page unclassified 1980 summary of the original 1979 Boles report.
6. Any and all telegrams (cable or telex message) sent in April and/or May 1979 from U.S. Embassy Kabul to Department of State in Washington, D.C., containing the final conclusions and findings of RSO Charles K. Boles in his investigation of the murder of Ambassador Dubs.
7. The transcript and report of the questioning under hypnosis of RSO Charles K. Boles conducted at the Department of State in late May or early June 1979, together with all supporting documentation and correspondence regarding the decision to subject RSO Boles to forensic hypnosis.
8. Any and all records related to the briefing provided to Ambassador Dubs widow, Mary Ann Dubs, by Department of State officials in the period June to July 1979 on the results of RSO Boles' investigation, which was conducted at State headquarters with RSO Boles and RSS Ronald J. Kelly in attendance.
9. Any and all records related to the retention, handling and present location of the bullets, bullet fragments, clothing and other physical evidence and personal effects recovered from Ambassador Dubs' body, as described in the reports by the Federal Bureau of Investigation Laboratory at Exhibits 27 and 28 of the 1980 documents contained in RG59, Lot 83D135, Box 12, Dubs, Adolph Amb—Afg, Kidnapping Death—Feb 14, 1979—1980.
10. Any and all letters, cablegrams, memos and other correspondence regarding the orders to classify as "Secret" the text of the original 1979 Boles report and "Confidential" the report's attached exhibits.
11. Any and all letters, cablegrams, memos and other correspondence regarding the distribution, handling and review of the original 1979 Boles report and the report's attached textual and photographic evidence.
12. All documents and correspondence regarding the Department of State's initial promises to provide a copy of the 1979 Boles investigation report to one or more committees or subcommittees of Congress, and the Department of State's subsequent failure to do so at any time.
13. Any and all letters, cablegrams, memos and other correspondence pertaining to amendments or alterations made to the original 1979 Boles report.

U.S. Department of State

November 15, 2023

Page 3

14. The document collections identified as Volumes 1, 2, 4, 5 and 6 on the cover page of the Box 12 Volume 3 records, which were declassified and released to NARA by the Department of State on June 28, 2023;
15. The still photographic prints taken on or about February 15, 1979 by Sgt. Dennis Wilkins, a member of the Embassy Kabul Defence Attaché team, of room 117 of the Hotel Kabul, the scene the previous day of the killing of Ambassador Dubs.

Pursuant to 5 U.S.C. § 552 (a)(4)(A), Skywriter Communications agrees to pay a reasonable fee for document search and production (electronic transmittal of documents is preferred).

Pursuant to 5 U.S.C. § 552(a)(4)(A), and agency regulations, Skywriter Communications requests a waiver of document search, review, and duplication fees because the disclosure of the requested communications is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). Additionally, Skywriter Communications requests a fee waiver on grounds that it qualifies as a “representative of the news media” and the records sought are not for commercial purposes. *See* 6 C.F.R. § 5.11(b)(6).

Skywriter’s principal Arthur Kent is an Emmy Award-winning journalist, who has reported for news organizations Canadian Broadcasting Corporation, NBC, BBC News, CNN, TBS, PBS, and A&E’s The History Channel since 1973. He has previously written a book on the topic that is the subject of the present FOIA request. *See* <https://skyreporter.com/>. Mr. Kent requires the requested documents to further his research for another book that he is currently researching and writing on the same topic. *See Campbell v. U.S. Dep’t of Just.*, 164 F.3d 20, 26 (D.C. Cir. 1998), as amended (Mar. 3, 1999) (finding fee waiver was appropriate for author writing a book). Disclosure of the requested information to Skywriter Communications is in the public interest because it will contribute significantly to public understanding of the operations and activities of government and the history of U.S. diplomacy and foreign affairs.

If the public records being requested contain information excluded from the provisions of the Freedom of Information Act, we request that the non-excluded material be segregated from the purportedly excluded material and that the non-excluded material be made available, in accordance with the provisions of 5 U.S.C. § 552(b).

Furthermore, if the request is denied in whole or part, pursuant to 5 U.S.C. § 552(a)(6)(F), please justify such denial and/or any deletions by reference to the specific Code section that justifies the withholding of the records. *See Mobley v. C.I.A.*, 806 F.3d 568, 580 (D.C. Cir. 2015) (“The agency bears the burden of justifying the applicability of FOIA exemptions, which are exclusive and must be narrowly construed.” (citation omitted)).

U.S. Department of State
November 15, 2023
Page 4

I look forward to your response within 20 working days, as provided in 5 U.S.C. § 552 (a)(6)(A)(i). Please provide documents electronically to the extent they are available in that format to sara.benson@hklaw.com. If documents are not available electronically, they can be sent to me at the address listed above.

Thank you for your assistance.

Sincerely yours,

HOLLAND & KNIGHT LLP

/s/ Sara J. Benson

Sara J. Benson

Cynthia A. Gierhart

Counsel for Skywriter Communications, Inc.