National Archives And Records Administration - Archival Or Special Access
FOIA Office
Room 5500
8601 Adelphi Road
College Park, MD 20740

November 5, 2018

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Materials relating to U.S. efforts in Saigon “to avoid the threat of a “one party” Senate election in South Vietnam,” including but not limited to an unredacted copy of the Agency report referred to in LOC-HAK-35-4-24-2, as well as embassy reports about the issue.

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers in outlets such as MuckRock, Motherboard, Property of the People, AND Magazine, Unicorn Riot, and more. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the library Internet Archive and and the journalist non-profit, MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

Additionally, case law states that “proof of the ability to disseminate the released information to a broad cross-section of the public is not required.” Judicial Watch, Inc. v. Dept’ of Justice, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see Carney v. U.S. Dept’ of Justice, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that “qualified because it also had “firm” plans to “publish a number of . . . document sets” concerning United States foreign and national security policy.” Under this criteria, as well, I qualify as a member of the news media.

Additionally, courts have held that the news media status “focuses on the nature of the requester, not its request. The provision requires that the request be “made by” a representative of the news media. Id. § 552(a)(4)(A)(ii)(I). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information.” As such, the details of the request itself are moot for the purposes of determining the appropriate fee category.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Emma Best

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Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 63384
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
MEMORANDUM

NATIONAL SECURITY COUNCIL

SECRET/EYES ONLY

INFORMATION

June 28, 1973

MEMORANDUM FOR: MR. KISSINGER

FROM: WILLIAM L. STEARMAN

SUBJECT: Embassy Efforts to Avoid a "One Party" Senate Election in South Vietnam

Attached at Tab A is a report from the CIA describing efforts we made in Saigon to avoid the threat of a "one party" Senate election in South Vietnam scheduled for August. To our knowledge none of these activities were cleared by the NSC, and this report represents our first word on what appears to have been a major intrusion on internal GVN politics.

The Agency and the Embassy clearly were responding to the possibility that only Thieu's Democracy Party would contest the planned election for one-half of the Senate's membership. Other parties were not expected to participate as a result of a tight filing schedule which, they claimed, did not provide sufficient time to negotiate formation of lists and their fears that the election would be loaded in Thieu's favor. In a memo of June 16 (2 days before the filing cutoff), the Agency had alerted us to the possibility of a one party election but had not indicated the actions it was then taking to avert this contingency. (In any event the memo was OBE by the time we received it. The filed date had passed and four states registered.)

Although no opposition or independent slates filed for the election, four groups (two associated with Thieu and two unknown, probably GVN-inspired lists) registered. The Embassy has commented that Thieu's lists are certain of victory and that he therefore will control the formerly independent Upper House. Significantly, the Embassy has also apportioned the blame for this largely no-contest election to both the administration and the politicians, who had ample warning of the legal filing schedule yet -- apparently without harassment -- failed to compose their own differences to file a joint Senate slate.

SECRET/EYES ONLY

XGDS 5B (2) by Auth CIA
MEMORANDUM FOR: The Honorable G. McMurtrie Godley
   Assistant Secretary for East Asian
   and Pacific Affairs
   Department of State

   Colonel Richard Kennedy
   National Security Council Staff

SUBJECT: Efforts to Avert a "One-Party" Senate Election in South Vietnam

1. On 16 June 1973, we sent you an assessment of President
   Nguyen Van Thieu's probable strategy in the Senate elections scheduled
   for August 1973. The following is a review of the efforts made by the
   Mission in Vietnam to avert a "one-party" election.

2. On 26 August 1973, the South Vietnamese voters will elect 31
   Senators, or approximately half the total membership of the Senate.
   Anticipating a possible one party election and remembering the damage
   done to the Government of Vietnam (GVN) image here in the United States
   and abroad by the uncontested presidential election of 1971, the U. S.
   Government sought to encourage broad participation in the upcoming Senate
   elections.

3. Diplomatic representations impressed upon President Thieu and
   other GVN leaders the desirability of the presence of opposition slates
   in the election so as to prove that the voters would indeed be offered
   a genuine choice. The GVN did remove the requirement that candidates
   for the Senate had to be sponsored by political parties which had
   qualified under the Political Parties Decree Law 660.
FOR THE DEPUTY DIRECTOR FOR OPERATIONS:

Theodore G. Shackley
Theodore G. Shackley

WARNING NOTICE
SECRET/SENSITIVE

No Objection to Declassification in Part 2010/03/10: LOC-HAK-35-4-24-2