

Martin Ottmann
54 rue Pierre Brossolette
92300 Levallois-Perret
France

Commander
U.S. Navy Personnel Command (PERS-312)
5720 Integrity Drive
Millington, TN 38055-3120

e-mail: npc_foia@navy.mil

March 21, 2009

Dear Sirs,

I originally filed this FOIA request on March 20th, 2009 with the U.S. Central Command in Macdill, Florida. The FOIA Team replied that the request "would fall under the purview of the service specific agencies." The U.S. Central Command suggested to forward this FOIA request to your agency, which I am doing hereby.

This is a request under the Freedom of Information Act for the following records:

Records of the use of incendiary weapons/smoke generating projectiles containing white phosphorus by U.S. military forces in Iraq between March 2003 and the date of this letter.

For background information on the use of white phosphorus projectiles by US forces in Iraq, a news article from BBC News from November 30th, 2005 stated:

"The United States' most senior general has defended the use of weapons containing white phosphorus in Iraq. General Peter Pace said that such munitions were a 'legitimate tool of the military', used to illuminate targets and create smokescreens.

"Two weeks ago, the US admitted using it to flush out insurgents in Falluja last year - raising concerns that it might have hit civilians. Initially, the military denied using it against either insurgents or civilians. Correspondents said having had to retract its original denial was a public relations disaster for the US. [...]"

An Article from the Field Artillery Magazine, published by the U. S. Army Field Artillery Corps, titled "The Fight for Fallujah/Indirect Fires in the Battle of Fallujah" from March 2005 described the use of white phosphorus weapons as follows:

"[...] The Battle of Fallujah was conducted from 8 to 20 November 2004 with the last fire mission on 17 November. The battle was fought by an Army, Marine and Iraqi force of about 15,000 under the I Marine Expeditionary Force (IMEF), sweeping from north to south. [...]

"[...] 9. Munitions. The munitions we brought to this fight were 155-mm highexplosive (HE) M107 (short-range) and M795 (long-range) rounds, illumination and white phosphorous (WP, M110 and M825), with point-detonating (PD), delay, time and variable-time (VT) fuzes. For the 120-mm mortars, we had HE, illumination and WP with PD, delay and proximity fuzes. [...]

"[...] b. White Phosphorous. WP proved to be an effective and versatile munition. We used it for screening missions at two breeches and, later in the fight, as a potent psychological weapon against the insurgents in trench lines and spider holes when we could not get effects on them with HE. We fired 'shake and bake' missions at the insurgents, using WP to flush them out and HE to take them out. [...]"

I request a waiver of search fees for this request. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. My website, expose-the-war-profiteers.org is a non-profit service, created to inform the general public about the activities of the U.S. Department of Defense, the U.S. civilian and military intelligence services, their affiliated private contractors, firms and state allies within the U.S.A. and abroad.

The subject matter of the requested records specifically concerns identifiable operations or activities of the U.S. government. The disclosure of these records is likely to contribute to public understanding of specific government operations or activities, because very little about the industry responsible for making these weapons is known to the public. The past widespread press interest in the U.S. military operations in Fallujah in November of 2004 show that disclosure will contribute to the understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons. For the same reasons, the disclosure will contribute "significantly" to public understanding of government operations or activities.

I also request a waiver of copying fees based on my status as a member of the news media. My work is similar to advocacy groups like the National Security Archive, who are considered members of the news media for the purpose of FOIA fees, because they produce distinct works from the materials they receive, and disseminate their works to the public. The distinct works I produce related to this FOIA request can be found on my website at www.expose-the-war-profiteers.org. Currently, my website receives around 30,000 individual visits on average per month. Several individual pages of the site, such as the "The Mahmudiya Massacre", "The Blackwater Killings", "Valerie Plame vs. Lewis Libby" or "U.S. vs. Kyle Dustin Foggo", are among the top 5 ranked webpages on Google with regards to their respective keywords.

Finally, I request these records in electronic format as provided by the EFOIA amendments, in order to save copying costs. Thanks for your consideration of this request.

Sincerely yours,

Martin Ottmann