



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: N 9498

22 NOV 1977

Mr. James H. Lesar
Attorney at Law
1231 Fourth Street, S. W.
Washington, DC 20024

Dear Mr. Lesar:

Your letter addressed to the Central Intelligence Agency (CIA), dated 11 June 1976, was referred to the National Security Agency (NSA) and received by this office on 4 November 1977. The CIA referred your letter to NSA because in their search pursuant to your request on behalf of your client, Harold Weisberg, the CIA located records originated by this Agency which fall within the scope of your request.

Therefore, in accordance with Department of Defense (DoD) Directive 5400.7, Section V, Paragraph E, this Agency has reviewed the records mentioned in the CIA letter of referral to NSA and provides the following response.

We cannot provide you access to, or release a copy of, the records because they are classified and therefore exempt from access or release pursuant to Title 5 U.S.C. 552(b)(1). The records have been reviewed and are judged to be currently and properly classified in their entirety under criteria set forth in paragraph 2-303, DoD Regulation 5200.1-R, which implements Executive Order 11652. The records are currently and properly classified within the categories provided in Chapter 1, Section 5 of DoD Regulation 5200.1-R and Section 1 of Executive Order 11652. Further they are properly excluded from automatic downgrading and declassification according to the exemption categories provided in Chapter 3, Section 3 of DoD Regulation 5200.1-R and Section 5(B) of Executive Order 11652.

In addition, this Agency is precluded by law from providing information on specific results of its classified activities except to those persons authorized to receive such information. Title 5 U.S.C. 552(b)(3) exempts matters which are specifically protected from disclosure by statute. The appropriate statutes in this case are: Title 18 U.S.C. 798; Title 50 U.S.C. 403(d); and Section 6 of Public Law 86-36. DoD Directive 5400.7, Sections III and VI.C.3., specifically recognizes this exemption.

No portion of the records is reasonably segregable.

Your request is therefore denied on the basis of 5 U.S.C. 552(b)(1) and (3).

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Any person denied access to records may, within 30 days after notification of such denial, file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. Such appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority, National Security Agency, Fort George G. Meade, Maryland 20755. The appeal shall reference the initial denial of access issued by the Agency to the requester and shall contain in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS Appeal Authority shall respond to the appeal within 20 working days after receipt.

Sincerely,



NORMAN BOARDMAN
Chief, Policy Staff