

FOI-NSC
Ms. Christine Dodson
Staff Secretary
National Security Council
Wash., D.C. 20506

7627 Old Receiver Road (Route 12)
Frederick, Md. 21701
5/13/80

Dear Ms. Dodson,

FOIA/PA appeal re FOI 79-157

This is my appeal from the vague letter I received under date of 5/6/80 from Ms. Brenda S. Reger.

I do not have the slightest idea what she is talking about.

I have made active use of FOIA and PA in historical cases. My requests of the DoD, which she says were referred, go back for years and I've used both Acts. So it simply isn't possible for me to identify anything from her letter, which does not include date, subject matter or any other identifier.

In order for me to begin to understand the claims to exemption I must know the subject matter. So I would appreciate a copy of the request that was referred to the N.S.C.

The nature of the claims to exemption reminds me of much prior experience. These claims, both of which may be to national security, pertain to serious federal interests and responsibilities. National Security is a serious matter. However, much of not most of my extensive experience with the assertions of these claims is that those who make them have no familiarity with what is within the public domain and the claim is made for the non-secret, what is within the public domain. I mean this comment to apply also to extensive experience with the intelligence sources and methods. I quite agree that those not known need protection, but for protection to be claimed there must be something to protect, which means not known. "Reveal" means to disclose what is not known. It does not mean to report what is known.

Sincerely,

cc: Charles W. Hinkle

Harold Weisberg

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

FOI 79-157

May 6, 1980

Dear Mr. Weisberg:

The Department of Defense has forwarded to the National Security Council eight documents requested by you for release under provisions of the Freedom of Information Act.

The NSC Staff has completed its review and determined that seven of these documents remain properly classified in full under provisions of Executive Order 12065 and are, therefore, exempt from disclosure under 5 U.S.C. 552(b)(1). In addition, we have been advised that these documents contain information revealing intelligence sources and methods and are specifically exempted from disclosure under provisions of 50 U.S.C. 403(d)(3) and 403(g) and, therefore, under 5 U.S.C. 552(b)(3).

Finally, the eighth document has been returned to the Department of Defense for further action. The NSC Staff has no jurisdiction over this document.

You may appeal the NSC Staff denial by writing to Christine Dodson, Staff Secretary, National Security Council, Washington, D.C. 20506, within 60 days of receipt of this letter.

Sincerely,



Brenda S. Reger
Director
Freedom of Information

cc: Charles W. Hinkle
Director, Freedom of Information
and Security Review
Department of Defense

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701