

National security project opens doors

Halperin directs ways to secrets

The ACLU Project on National Security and Civil Liberties, with Morton H. Halperin as director, started operations this summer. The project, located in Washington, D.C., is sponsored jointly by the American Civil Liberties Union Foundation and the Center for National Security Studies of the Fund for Peace.

The project deals with issues emerging from the ways that national security claims have impinged on civil liberties. Intended to keep legitimate defense and

diplomatic information secret, the executive branch's secrecy system has eliminated informed congressional and public participation in the shaping of national policy. The public's right to know, to question and to dissent has been violated not only by government security but by government actions against its citizens.

Activities which a few years ago would not have been believed have

turned out to be major policy: wiretapping, burglary, bugging, keeping files and computer indexes on citizens ranging from radicals to members of Congress, the use of agents to spy on, disrupt, and incite domestic political groups, the reading of domestic mail, and the use of poison pen letters and other methods to discredit critics.

Instead of opening up reliable procedures for either meaningful self-policing or congressional oversight to cope with illegal government activities, the executive branch's public response has been to try to close up potential "leaks" and maintain the prerogative to act in secrecy. It has tried to redefine and expand the espionage laws in the Ellsberg prosecution and the pending bill S. 1, which would make disclosure of even improperly classified information subject to criminal penalties. The Rockefeller Commission report, in spite of the massive illegal programs it revealed, recommended legislation to expand rather than constrict the CIA Charter.

The Project on National Security and Civil Liberties will do what the government seems incapable of doing—examine the procedures for making decisions in secrecy, watch the agencies and their agents

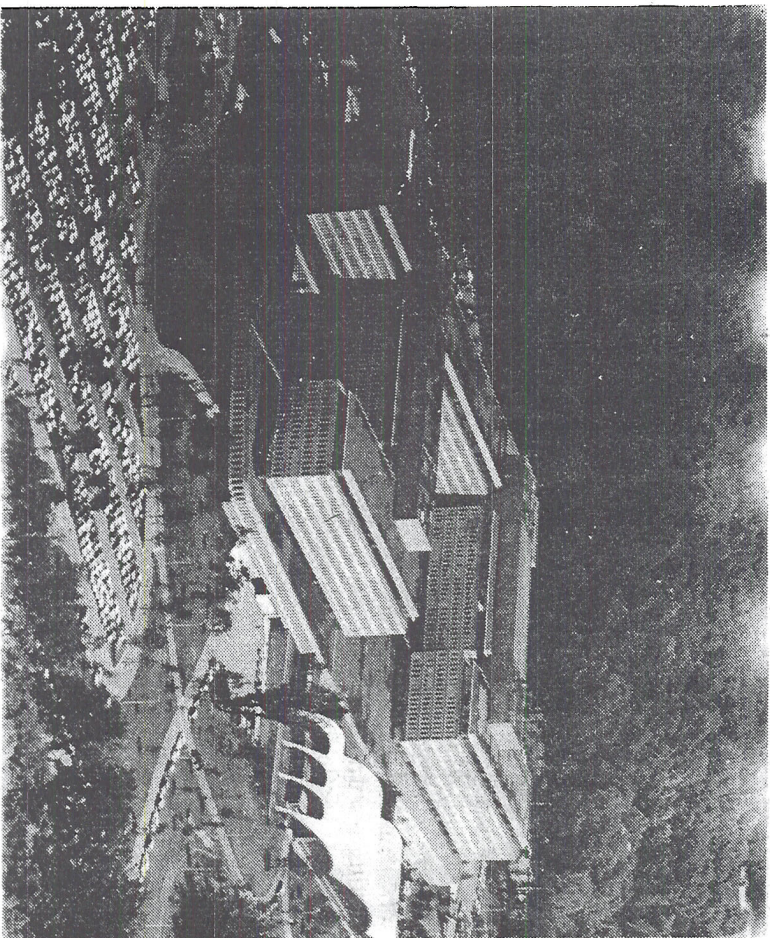
engaged in surveillance, and make the public aware of what is going on behind closed doors.

The project's activities so far have focused on using the newly amended Freedom of Information Act to release information related to the national security. More than 40 requests have been filed, with portions or all of the requests fill in some 21 instances. A number of the items released are important documents relating to illegal CIA activities, such as "Restless Youth" (a CIA report on domestic dissent) and the Delimitation Agreement of 1948 regarding the respective CIA and FBI functions.

CIA director William Colby's report to President Ford on the agency's domestic activities was released recently, with some deletions, as a result of a project lawsuit. The *Halperin v. Colby* suit is one of six filed so far for the release of information as provided for under the Freedom of Information Act.

The project is publishing a newsletter, *First Principles*, to keep up with developments in the field. It also has available pamphlets on how to use the FOIA for national security information and for the release of personal files. Subscriptions to the newsletter and copies of the pamphlets may be ordered by using the order form on this page.

—Christine Marwick
Editor, *First Principles*



Wide World Photos

Where the secrets are kept: CIA headquarters at Langley, Va.

How to get your personal file from federal agencies

Under the Freedom of Information Act as amended, you can request your personal records from government agencies that conduct surveillance on American citizens and other individuals in the United States. There are over 100 government agencies which have some sort of intelligence function, and you may make requests of any of those which are *federal*. Several agencies that have admitted to conducting illegal investigations of American citizens may be of particular interest. These include the CIA, the FBI, the Justice Department, the Department of Defense, the Civil Service Commission, the Secret Service, and the Internal Revenue Service.

Using the Act is very simple. Begin by writing a letter to each agency from which you want to request your records. Your letter should initially indicate that it is a request under the Freedom of Information Act as amended: Section 552 of Title 5, United States Code.

You should then state that you are requesting records stored under your name, or returnable by a search for documents containing your name. You should indicate your willingness to pay reasonable fees for search and copying, though you may wish to request a waiver of fees. The CIA routinely waives fees on request for personal records, but the other agencies do not. The charges vary greatly from agency to agency, seldom less than \$10 or more than \$50.

The request letter should provide your full given name, any aliases or former names (e.g. married or maiden names), your full present address and your Social Security number (the latter is not required by the CIA). You may also want to provide your phone number so that the agency may contact you if it has questions.

Most of the agencies now require that your signature on the request letter be notarized. This is to insure that you are who you say you are, so it is advisable to notarize letters to all agencies.

Your letter will lead the agency to search its files for information about you. If you do have records, your letter will be added to them. If you do not, a file will be opened in the Freedom of Information section of the agency.

Under the amended Act, you are entitled to a response within ten working days and your letter should request a response within that time period. Both the FBI and CIA are now asking for an extension of time beyond the ten working days. The agencies have apparently devoted inadequate staff time to process the requests. Until they work off the back-log they now face, you can expect to receive a letter stating that your request will be answered as soon as possible.

If your request is denied in whole or in part, you may appeal. The

denial letter will give you the name of the person within the agency to whom the appeal should be sent. If you intend to go to court in the event of a denial of your appeal, you should so state in your letter. Under the amended Act your appeal must be answered within 20 working days.

If your appeal is denied or not answered in time, a suit may be filed in the Federal District Court in your home town, in the District of Columbia, or the place where the records are kept.

At this point, if not earlier, advice should be sought as to how to proceed without counsel, or as to how to obtain it.

—excerpted from "How to Get Your Personal File," published by the Project on National Security and Civil Liberties. The pamphlet explains the process in more detail, describing what records you can get, reviewing the specific procedures for the CIA, FBI, Department of Defense and other agencies. Sample request and appeal letters are included. If you plan to use the FOIA, you should order the pamphlet from the project. (See order form this page.)

National Security & Civil Liberties

To order publications, fill out this form and mail with your check (payable to the project) to: **Project on National Security and Civil Liberties, 122 Maryland Avenue, N.E., Washington, D.C. 20002.**

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