# CENTRAL SECURITY SERVICE



Serial: N9187 11 May 1981

Mr. Mark Allen P.O. Box 9032 Washington, D.C. 20003

Dear Mr. Allen:

This replies to your letter of 8 April 1981 in which you appeal the National Security Agency's (NSA) denial of information responsive to your Freedom of Information Act request. I have reviewed your initial request of 12 January 1981, the nine records located in response to that request, NSA's letter of 16 March 1981 which forwarded one record in its entirety and portions of eight other records, and your letter of appeal. As the result of this review, I am again sending you the releasable portions of eight documents and I am referencing herein the laws that preclude disclosure of certain segments of these documents. have also decided to release additional portions of three records that were released to you by the Chief, Office of Policy, and amended copies of those records are attached. However, I affirm the determination of the Chief, Office of Policy, that the remaining portions of the attached records must be withheld. The ninth document, an unclassified letter from Eugene Yeates to Robert Blakey dated 14 July 1978 was released to you in its entirety and therefore does not need to be addressed.

Set forth below are descriptions of the eight records which were withheld in part and the reasons for withholding those portions of them. The reasons for withholding are as responsive as possible without disclosing classified information. The U.S. Court of Appeals for the District of Columbia has recognized that information disclosed by an agency about withheld documents does not have to contain facts that if made public would compromise the secret nature of the information. Vaughn v. Rosen, 157 U.S. App. D.C. 340, 484 F.2d 820, 826 (1973), cert. denied, 415 U.S. 977 (1974).

Document No./ Description	<u>Date</u> .	- Exemption(s)
Attachment 1	9 Dec <sup>'</sup> 77	5 U.S.C. §552(b)(3): applicable statute Public Law 86-36, (50 U.S.C. §402 note)
Attachment 2	7 Jul 78	5 U.S.C. §552(b)(l); 5 U.S.C. §552 (b)(3): applicable statute Public Law 86-36 (50 U.S.C. §402 note)
Attachment 3	9 Aug 78	5 U.S.C. \$552(b)(l); 5 U.S.C. \$552 (b)(3): applicable statutes Public Law 86-36, (50 U.S.C. \$402 note) and 50 U.S.C. \$403(d)(3) or 18 U.S.C. \$798

Attachment	4 10	Nov 78	5 U.S.C. §552(b)(l); 5 U.S.C. §552 (b)(3): applicable statutes Public Law 86-36 (50 U.S.C. §402 note) and 50 U.S.C. §403(d)(3) or 18 U.S.C. §798; 5 U.S.C. §552(b)(6)
Attachment	5 21	Nov 78	5 U.S.C. §552(b)(1); 5 U.S.C. §552 (b)(3): applicable statutes Public Law 86-36 (50 U.S.C. §402 note) and 50 U.S.C. §403(d)(3) or 18 U.S.C. §798; 5 U.S.C. §552(b)(6)
Attachment	6 21	Nov 78	5 U.S.C. §552(b)(1); 5 U.S.C. §552 (b)(3): applicable statutes Public Law 86-36 (50 U.S.C. §402 note) and 50 U.S.C. §403(d)(3) or 18 U.S.C. §798; 5 U.S.C. §552(b)(6)
Attachment	7 28	Nov 78	5 U.S.C. §552(b)(1); 5 U.S.C. §552 (b)(3): applicable statutes Public Law 86-36, (50 U.S.C. §402 note) and 50 U.S.C. §403(d)(3) or 18 U.S.C. §798
Attachment	8 28	Nov 78	5 U.S.C. §552(b)(1); 5 U.S.C. §552 (b)(3): applicable statutes Public Law 86-36 (50 U.S.C. §402 note) and 50 U.S.C. §403(d)(3) or 18 U.S.C. §798; 5 U.S.C. §552(b)(6)

A more detailed explanation of the rationale for each exemption follows:

With respect to the classifications assigned to the portions of documents 2 through 8 being withheld, I have concluded that they meet the criteria for classification in Section 1-3 of Executive, Order 12065 and in paragraph 2-202 of DoD Regulation 5200.1-R and that the withheld portions are properly classified in their entirety within the categories provided in Section 1-1 of Executive Order 12065 and in Chapter I, Section 5 of DoD Regulation 5200.1-R. records have been reviewed for possible declassification or downgrading according to the provisions of Sections 3-1 and 3-3 of Executive Order 12065 and of Chapter III of DoD Regulation 5200.1-R. Portions that were declassified are enclosed; the remaining portions were found to be properly classified and therefore excluded from declassification or downgrading despite the length of time which has elapsed since their origin. In conducting this review, I have weighed the significant need for openness in government against the likelihood of damage to our national security at this time. I have specifically taken into account Section 3-303 of Executive Order 12065 and have determined that the records, except for the portions released, should continue to be classified. Thus, I find

that the Chief, Office of Policy, properly found these portions to be exempt from release pursuant to 5 U.S.C. §552(b)(l), and I affirm his denial of your request for release of these portions on those grounds.

Portions of each of the eight documents are exempt from disclosure pursuant to 5 U.S.C. §552(b)(3). Section 6 of Public Law 86-36 provides that no law shall be construed to require the disclosure of the organization, personnel, functions or activities of the National Security Agency. Each of the records contains information falling into this description. The National Security Agency is precluded by 18 U.S.C. §798 from providing information concerning classified communications intelligence activities except to those persons authorized to receive such information. 50 U.S.C. §403(d)(3) protects information pertaining to intelligence sources and methods. Withheld portions of documents 3 through 8 contain information protected by these statutes. Enclosure 6 of DoD Directive 5400.7 (32 C.F.R. §286 (1980)) specifically recognizes 18 U.S.C. §798 and Public Law 86-36 as exemption 3 statutes. Thus, I also find that the Chief, Office of Policy, properly concluded that portions of the documents were exempt from release pursuant to 5 U.S.C. §552 (b)(3), since each of the statutes and the directive cited above provides adequate grounds upon which to base such an exemption.

In addition, portions of documents 4, 5, 6 and 8 relating to one individual are exempt pursuant to 5 U.S.C. §552(b)(6) due to certain unique circumstances involved. I have determined that disclosure would constitute a "clearly unwarranted invasion of personal privacy," for this individual.

With the exception of the one document released in its entirety and the portions of the other documents that were released, I found the matter covered by your request clearly within the statutory protection and exemptions cited above, and proper protection of classified information and intelligence sources and methods requires a denial of the remaining portions of the documents.

Finally four documents originated by Congress, one of which was a Memorandum of Understanding between the House Select Committee on Assassinations and the Office of the Secretary of Defense and attached to document 5, were found not to be agency records and are therefore not subject to the Freedom of Information Act. Possession of a document does not dictate that it is an "agency record" but rather whether control of the document has passed from Congress and become property of the agency within which it resides. See Goland v. CIA, 607 F.2d 339 (D.C. Cir. 1978), cert. denied, 445 U.S. 927 (1980). As you already know, when the House Select Committee on Assassinations disbanded, Chairman Stokes informed former Attorney General Griffin Bell that the Congressional materials and related information connected to the Committee should be held in confidentiality. That assertion of Congressional privilege has been recently reaffirmed by the Congress.

As your appeal is denied in part, you are hereby advised of your rights under 5 U.S.C. §552 to seek judicial review. You may seek an order from a United States Court in the district in which you reside, in which you have your principal place of business, or in which this Agency's records are situated (U.S. District Court, District of Maryland), or in the District of Columbia, for the production of any Agency records which you consider to have been improperly withheld by this Agency. 5 U.S.C. §552(a)(4)(B) sets out your rights in this matter with respect to such judicial action.

Sincerely,

ANN CARACRISTI

Freedom of Information Act/Privacy Act
Appeals Authority

Encls: a/s EMORANDUM FOR THE RECORD

7 July 1978

JBJECT: Phone Call from House Select Committee on Assassinations

This office received a phone call this date from a staffer f the House Select Committee on Assassinations who said the ommittee is "doing research on a personality and needs some nformation from EXEMPT and wanted to know how to ddress a letter to NSA. She was given LAO's address and said the letter would be on its way shortly.

EXEMPT

Legislative Affairs

c: DIR C

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EXEMPT

EXEMPT 7 July

Products (376) To: DIR

THRU: DIDIR

SUBJECT: Correspondence from House Assacinations Committee

I. The Deputy Chief Council

Att Associations Committee, Mr. J.

Wolf collect to Say he is Ending

a little to DIR. Little, ob he

drafted Horday, will request

cortain information (unspecified)

A DJA.

2. Committee is investigating assermations

N Rossidet Konnely or W. King.



## NATIONAL SECURITY AGENCY CENTRAL SECURITY SERVICE FORT GEORGE SERVICES MARYLAND 20733

Serial: LAO/025-78 9 August 1978

SECRETA

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY AND DEPUTY SECRETARY OF DEFENSE ATTN: Ms. Judith A. Miller

SUBJECT: House Select Committee on Assassinations 10 July 1978
Request

1. NSA has made a thorough search of all records that might contain information relevant to the Select Committee on Assassinations' request for "telegrams or other communications, sent from Cobo Cleaners in Detroit, Michigan, by Earl Ruby or any other individuals to Cuba in March and April 1962."

<u> </u>	
EXEMPT	If no other
component of DoD has located information pur-	
request, propose you use the attached draft	
to the Committee. If, however, there is any	reason why the
attached draft cannot be used, please consul-	t with Mr. Silver

3. The attached draft response is classified CONFIDENTIAL. A direct response from the National Security Agency to the Committee's request would be classified

because the availability or nonavailability of the type of information requested by the Committee is in itself classified and protected in

EXEMPT

before releasing information in any other form.

EXEMPT

Acting Chief Legislative Affairs

Incl: a/s

Copy Furnished:
DoD General Counsel

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Robert Blakey
Counsel and Director
Committee on Assassinations
House of Representatives
Suse Office Building, Annex 2
agton, DC 20515

ir. Blakey:

This is in reply to your recent letter which requested from epartment of Defense certain information relating to Cobo Cleaners r. Earl Ruby in March and April 1962.

The Department of Defense has conducted a thorough search of

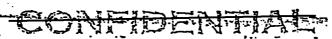
ecords and	EXEMPT	•
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	EXEMPT	

The above information is classified CONFIDENTIAL because it tes to Department of Defense intelligence operations and must be disclosed to unauthorized individuals. In addition, you must reveal the Department of Defense or any Defense Agency as the se of this information.

Sincerely,

John G. Kester The Special Assistant

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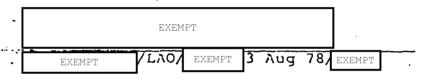


Serial: LAO-025-78

M/R: 1. Mr. Blakey, Chief Counsel and Staff Director of the House Select Committee on Assassinations, requested this information from NSA on 10 July. On 14 July, he was informed that, in accordance with the MOU between DoD and the Committee, requests must go to DoD not NSA. Ms. Judy Miller forwarded the Committee request to NSA.

EXEMPT

3. This memo has been coordinated with GC and EXEC/DDO. The classification was reviewed by EXEMPT and approved by D/DIR.



SECTET WILLIAM SERVICE SECTION OF THE SECTION OF TH

#### WDUM FOR THE RECORD

T: 8 November Meeting with Mr. Blakey

Counsel and Staff Exassinations. to receive to receive the state of th	visited Mr. Robert G. Blakey, Director for the House Select Committee eive questions concerning a allegation that he had esassination plot against President Kennedy ed crime. Mr. Blakey had been referred to es. Judy Miller, Special Assistant to
2. Mr. Blakey indic nicated with a frien orry" Field, FLorida	d of his named Sgt Nichael B. Stevensen
	EAEMPT
3. At that time.	EXEMPT
EXEMPT	Sometime before November, 1963, in his
3.S	EXEMPT
EXEMPT	referred in paragraph l. Mr. Blakey
a that he did not kn	ow who the crime figure is.
wisor, Sgt Praeter (	
	EXEMPT
	·· ·

- 4. Mr. Blakey stated that NSA had already acknowledged the tence of such a facility during this period, but he didn't tate to whom such a statement had been made.
- 5. Mr. Blakey posed the following questions for NSA:
- (a) What is NSA's capability for retrieving communications this time and place?
  - (b) How quickly can we make this retrieval?

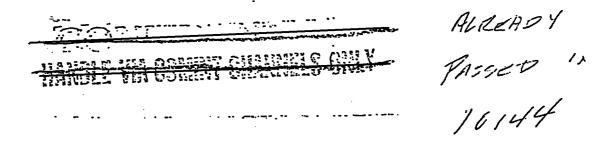
    (His Committee completes its work in December. If

    NSA can easily provide the answers to a number of

    questions, he will do some preliminary investigation
    before formally requesting the information, but if

    we indicate that much time will be required, he will

    task us now.)
- (c) What additional information does NSA need from Mr.  $\equiv$ y to speed the retrieval process?
  - (d) Is the data still available for retrieval?

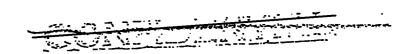


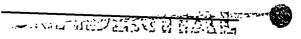
(e) Was	
working for Praster (Prater), and actually doing this kind of work at that location during that period?	
6. He asked for the responses, or at least, a status of what can be provided and how soon, by Monday, 13 November.	
7. On 7 September, the General Counsel sent a copy of  EXEMPT letter to the FBI (GC/335/78), along with a letter from AF Security Service (to which Sgt Stevensen had sent the letter). In the General Counsel's letter he noted that Security Service was	
EXEMPT	
8. On 9 November, EXEMPT and I met with Dan Silver and decided Dan should respond initially to Mr. Blakey's questions by phone. After coordinating with EXEC/DDO, EXEMPT asked EXEMPT provide input for a response.  9. EXEMPT conducted an initial review of the availability of data from covering the first eleven months of 1963	
EXEMPT	/

10. I notified Box Silver who salved Mr. Blakey with the news, outlie requested that a part one reply in writing. I agreed to do po upon receipt y a written request from him.

Chief

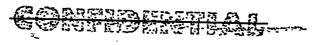
Legislative Affairs





SUBJECT: House Assassination Committee Inquiry
1. On 17 November 1978  EXEMPT  GC, and I attended an interview conducted by staff members of the House Select Committee on Assassinations in regard to the allegations of EXEMPT  concerning the involvement of certain individuals in the assassination of President Kennedy.
2. The interview was conducted by Messrs Kenneth Klein and Gary Cornwell and was held in secure spaces provided by Mr. George Murphy, Director of the Senate National Security Office. Both individuals are
3. The interview was conducted under terms of a Memorandum of Understanding executed between the Committee and OSD on 15 November 1978 (copy attached).
4. For purposes of the interview. DoD made available Sqt.  licholas B. Stevenson, USAF,  EXEMPT  Sqt. Stevenson as accompanied by LTC Jeffrey Graham, USAF, Air Force Legislative iaison.
5. The Committee staffers were interested primarily in Sqt.  evenson's recollections in regard to events described by EXEMPT in a letter to Stevenson written in May 1978.
6. Sat. Stevenson briefly described
EXEMPT
Regarding
- specific allegations made by
relating to the President's
sassination, Sgt. Stevenson emphatically stated that he had no
wledge of such an event, though in all likelihood, if it had
arred, it would have been widerly known within
probable subject of a EXEMPT
7. EXEMPT and my role in the interview was concentrated largely interpreting and emphasing the fact that the EXEMPT

8. The staffers made no notes and agreed to let us review their rt, for purposes of classification, on or after 20 November 1978.



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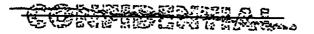
- 9. The staffers remain particularly interested in determining the name of the individual who EXEMPT believes relates to the assassination. They will explore means of determining this information to include the possibility of having Sgt. Stevenson call EXEMPT and ask him for the identity (Stevenson indicated his extreme unwillingness to do this. LTC Graham stated that this request would have to be examined at policy level within DoD).
- 10. If the Committee is able to determine a specific name, the staffers indicated that they would probably initiate a specific inquiry to NSA to again search our materials.

EUGENE K YEATES

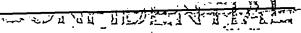
Chief
Legislative Affairs

Encl: a/s

CC: DIR
D/DIR
ADPL
--GC
EXEMPT
DDO
EXEC/DDO
EXEMPT



- HANDLE VIA GENERA GRANTELS ONLY





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

. Serial: D1/LAO-047M-78

21 November 1978

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY AND DEPUTY SECRETARY OF DEFENSE

ATTN: Ms. Judith A. Miller

1. The National Security Agency has made a thorough search of all records that might contain information pertaining to the Select Committee on Assassinations' request for information relevant to an allegation by

linking an assassi-

nation plot against President Kennedy with a figure in organized crime.

EXEMPT

suggest you use the attached draft as your response. If, however, there is any reason why the attached draft cannot be used, please consult with us before releasing the information in any other form.

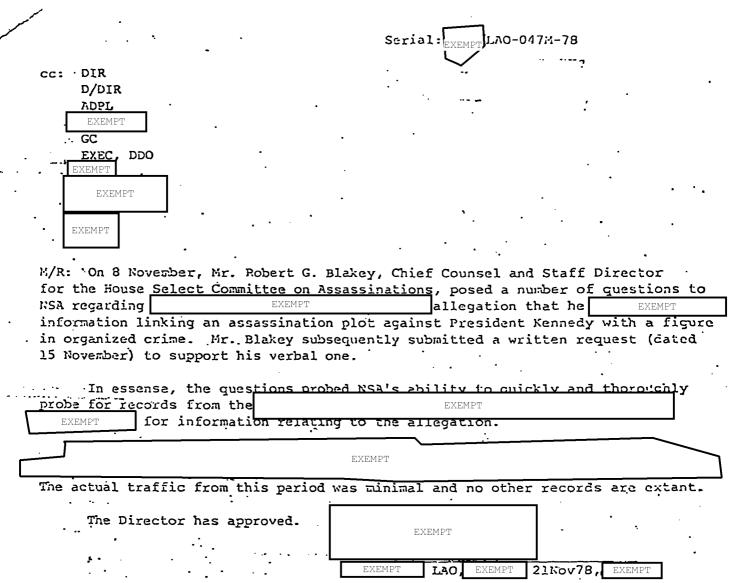
3. The attached draft response is unclassified.

Chief

Legisla+:-

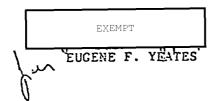
Encl:

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# TO: Judy Miller

- 1. Enclosed is a request made directly to us by Mr. Blakey and a reply which we propose be provided to Mr. Blakey by Mr. Kester.
- 2. If you have any questions concerning this please give me a call.



Encl: a/s EXEMPT

<del>JECKE:</del>

Mr. G. Robert Blakey Chief Counsel and Director Select Committee on Assassinations U.S. House of Representatives 3331 House Office Building, Annex 2 Washington, DC 20515

Dear Mr. Blakey:

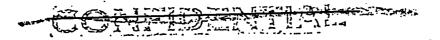
This responds to your letter of November 13, 1978, directed to a component of the Department of Defense.

With respect to the subject of the F3I file to which the requested information relates EXEMPT

EXEMPT

Sincerely,

JOHN G. KESTER
Special Assistant to
The Secretary



#### CONTIDENTIAL CONTINU CHANGELS ...

#### MEMORANDUM FOR THE RECORD

28 November 1978

SUBJECT: Visit to House Select Committee on Assassinations.

- 1. On 21 November I visited House Select Committee on Assassinations spaces to review for classification purposes the report Messrs Cornwell and Klein wrote following the 17 November interview with Sgt Nicholas B. Stevenson, USAF.
- 2. The report, about one and a half pages long, listed the participants in the interview and described generally the substance of the discussions. Although it did not mention the specific site to which Sgt Stevenson and were assigned, it did say that the facility was able to

and "NSA" in several places.

- 3. I told Mr. Cornwell that as written, portions of the report should be classified "CONFIDENTIAL, HANDLE VIA COMINT CHANNELS ONLY." He agreed to classify it and asked me to mark it which I did. I suggested that with a few changes we could make it unclassified. Mr. Cornwell stated that he would prefer to retain the original language of the report at this time but that if it was to be used in any unclassified report by the Committee, he would then ask us to review the wording so that classified information would not be disclosed.
- 4. Mr. Cornwell asked if NSA had determined whether the conversation referenced had been published and disseminated in product channels. I told him that we had not yet determined the answer to that question and that we would be back in touch.

Legislative Affairs

The report further mentioned

DISTRIBUTION:
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EXEMPT

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DDO Exec/DDO

EXEMPT

Serial: 49022

Mr. Hark Allen P. O. Box 9032 Washington, DC 20003

Dear Mr. Allen:

This responds to your letter of 12 January 1901 in which you request all correspondence or records of any communication between this Agency and the U. S. House Select Committee on Assassinations concerning the Committee's investigation into the assassination of President John F. Kennedy.

Your request has been processed under the provisions of 5 U.S.C. 552, the Freedom of Information Act. Information which is releasable is enclosed.

National Security Agency/Central Security Service (NSA/CSS) functions, activities, and internal organizational designators, as well as titles and names of NSA/CSS employees, have been deleted from the enclosures. These deletions have been made pursuant to 5 U.S.C. 552(b)(3), in conjunction with 50 U.S.C. 402 note (Public Law 86-36). Section 6 of Public Law 86-36 provides that no law shall be construed to require the disclosure of the organization, or any function of the NSA, of any information with respect to the activities thereof, or of the names, titles, salaries, or number of persons employed by the Agency.

Other items have been deleted from the enclosures pursuant to 5 U.S.C. 552(b)(6), as Their disclosure would cause an unwarranted invasion of the personal privacy of the individuals concerned.

The remaining items have been deleted because they are classified and therefore exempt from access or release pursuant to 5 U.S.C. 552(b)(1), which provides that the Freedom of Information Act does not apply to matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order. The information is currently and properly classified in accordance with the criteria for classification in Section 1-3 of Executive Order 12065, and paragraph 2-202 of Department of Defense Regulation 5200.1-R. The information has been reviewed for possible declassification or downgrading according to the provisions of Sections 3-3, 3-4, and 3-6 of Executive Order 12065 and Chapter III of DoD Regulation 5200.1-R and found to be properly excluded from declassification or downgrading.

Serial: N9022

In addition, this Agency is authorized by law to protect certain information concerning its activities. Title 5 U.S.C. 552(b)(3), exempts matters that are specifically exempted from disclosure by statute. The applicable statutes in this case are 18 U.S.C. 798, 50 U.S.C. 402 note (Public Law 86-36), and 50 U.S.C. 403(d)(3). DoD Directive 5400.7, Sections III and VI.C.3, specifically recognizes this exemption.

As the deleted items constitute a partial denial of your request, you are hereby advised of this Agency's appeal procedures.

Any person denied access to records, or parts thereof, may, within 30 days after notification of the denial, file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority, National Security Agency, Fort George G. Meade, MD 20755. The appeal shall reference the initial denial of access 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.

Please be advised that records originated by the Congress of the United States are not subject to the Freedom of Information Act.

Sincerely,

COMPANY OF THE SECTION

EUGENE F. YEATES Chief, Office of Policy

a/s

cc: L221 (less encls)

U " "

Q32 RV (less encls)

LAC CONCUR: U

M/R: Classified portions of the records were bracketed by M. Levin and on 26 Feb 1981.

EXEMPT

CXEMPT

Encls:

Q324, 3085s, 9 March 1981, dd