



United States Department of State

*Washington, D.C. 20520*

John Young  
Crptome  
251 West 89<sup>th</sup> Street, Suite 6E  
New York, N.Y. 10024

RE: Freedom of Information Act Case #200102556  
Army Intelligence IAMG-CIC-FOI/PA (782F-01)

Dear Mr. Young:

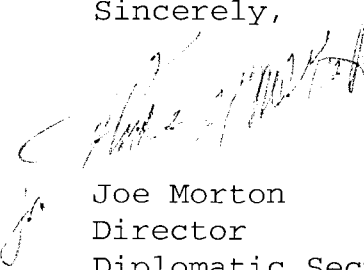
Reference is made to your March 29, 2001 Freedom of Information Act request to the United States Army Intelligence & Security Command. The Command has referred one document to the Department of State for review. The Department's Office of IRM Programs and Services has forwarded the document to the Bureau of Diplomatic Security (DS) for review and direct reply to you.

Information has been withheld from the document, a memorandum dated July 25, 1979, under the provisions of 5 USC 552(b)(1)[E.O.12958, as amended, Sec. 1.4(c)] and (b)(7)(C). An explanation of these exemptions is enclosed.

Under the Department's regulations, you may appeal any denial of information to the Department's Appeals Review Panel. Appeals should be sent by certified mail to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/IA, SA-2, Room 6001, Department of State, Washington D.C. 20522-6001. A copy of the Department's Appeals Procedures is enclosed.

If you have any questions about a particular aspect of this case, you should contact the Office of IRM Programs and Services (A/RPS/IPS) at the above address. In any communication, please refer to the above case number.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Morton", is written over the typed name.

Joe Morton  
Director  
Diplomatic Security Service

Enclosures:

Explanation of Exemptions  
Appeals Procedures  
Documents

## EXPLANATION OF EXEMPTIONS

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552 (FOIA):

(b)(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information, (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a (PA):

(b) No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains,

(d)(5) information compiled in reasonable anticipation of a civil action proceeding.

### General Exemptions:

(j)(1) applies to CIA records and information provided by foreign governments;

(j)(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, except records of arrest.

### Specific Exemptions:

(k)(1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal which did not result in loss of a right, benefit or privilege under Federal law, or which would identify a source under an express promise of confidentiality, or, prior to the effective date of this section, under an implied promise of confidentiality;

(k)(3) maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of Title 18;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suit ability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, the disclosure of such material would reveal the identity of a source under an express promise of confidentiality, or, prior to the effective date of this section, under an implied promise of confidentiality;

(k)(6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the testing or examination process; or

(k)(7) evaluation material used to determine potential for promotion in the armed services, the disclosure of such material would reveal the identity of a source under an express promise of confidentiality, or, prior to the effective date of this section, under an implied promise of confidentiality.

## 5 USC 552 (b)(1)

**Executive Order 12958**, as amended controls.

Exemption (b)(1) requires the citing of the appropriate classification category of E.O.12958, as amended.

Under the amended E.O. 12958, classification categories were changed from Sec. 1.5 to **Sec.1.4**. Additionally, two new categories were added.

**Sec. 1.4 Classification Categories.** Information shall not be considered for classification unless it concerns:

- (a) military plans, weapons systems, or operations;
- (b) Foreign government information;
- (c) Intelligence activities (including special activities), intelligence sources or methods, or cryptology;
- (d) Foreign relations or foreign activities of the United States, including confidential sources;
- (e) Scientific, technological, or economic matters relating to the national security, which includes defense against transnational terrorism;
- (f) United States Government programs for safeguarding nuclear materials or facilities;
- (g) Vulnerabilities or capabilities of systems, installations, infrastructures, project, plans, or protection services relating to the national security, which includes defense against transnational terrorism; or
- (h) Weapons of mass destruction.

## TITLE 22--FOREIGN RELATIONS CHAPTER I--DEPARTMENT OF STATE

### PART 171--AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

#### Subpart G--Appeals Procedures

##### Sec. 171.60 Appeal of denial of access to records.

(a) Review of an initial denial of access to a record under the Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), or Executive Order 12065 may be requested by the individual who submitted the initial request for access. The request for review (hereinafter referred to as the appeal) must be in writing and should be sent by certified mail to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/LA, SA-2, Room 6001, Department of State, Washington, DC 20522-6001. The appeal should be received within 60 days of the date of receipt by the appellant of the Department's refusal to grant access to a record in whole or in part.

(b) The time for decision on the appeal begins on the date the appeal is received by the Chairperson, Appeals Review Panels. The appeal of a denial of access to records shall include any documentation, information and statements to support the individual's request for access and to refute the use of the exemption(s) cited in the Department's justification concerning the denial of access.

(c) The Chairperson of the Appeals Panels or her/his designee and at least two other members chosen by her/him from a list of senior officers designated for this purpose by the various bureaus of the Department shall constitute a panel to consider and decide the appeal. There shall be a written record of the reasons for the final determination. The final determination will be made within 30 working days for executive order and Privacy Act appeals, and within 20 working days (excluding Saturdays, Sundays, and holidays) for FOIA appeals. For good cause shown, the Chairperson of the Appeals Review Panels may extend such determination beyond the 30-day period in Privacy Act cases.

(d) The Chairperson shall then notify the requester in writing of the panel's decision to grant access and of the Department's regulations concerning access.

(e) When the final decision of the Panel is to refuse to grant an individual access to a record, the Chairperson of the Panel shall advise the individual in writing:

- (1) Of the refusal to grant the appeal and the reasons therefor including the exemptions of the Freedom of Information Act, the Privacy Act of 1974, and/or Executive Order 12065 under which access is denied;
- (2) Of her/his right to seek judicial review of the Department's decision, where applicable.

Note: The address in paragraph (a) to which appeals should be sent has been revised to reflect the current address.



DEPARTMENT OF STATE

Washington, D.C. 20520

~~SECRET~~

July 25, 1979

MEMORANDUM

TO: Commander  
U.S. Army Special Operations  
Detachment  
U.S. Army Intelligence & Security Command  
Fort Meade, Maryland 20755

FROM: Michael E. Coughlin, Chief *MA*  
Special Assignments Staff  
Office of Security

SUBJECT: (U) [REDACTED] *b7c*

(U) Reference is made to your memorandum of June 26, 1979 with attached report of investigation concerning this subject.

(C) We would like to take this opportunity to express our appreciation for the rapid and thorough manner in which your Detachment responded to our request for assistance in the current inquiries involving [REDACTED] S. To date, our damage assessment investigation has surfaced no derogatory information regarding U.S. Army personnel. Our inquiries are continuing and we will immediately advise you of any pertinent information developed which would suggest specific targeting against U.S. Army personnel. In addition, we will disseminate relevant counterintelligence operational data developed as a result of our investigation. *b1 b7c*

(S) As you know, our investigation is being coordinated with several allied security services. In that regard we request permission to provide [REDACTED] with selected information contained in your Agent reports. We propose to disseminate the following substantive paragraph [REDACTED]:

(S) In the course of our investigation, the following information has been developed by sources available to another U.S. Agency:

~~SECRET~~

RDS-2 7/25/99 (Derivative-Ackerman, Karl D.)

S E C R E T

- 2 -

1. Sometime between 1969 and 1971 (exact date unknown) the [ ] in Prague and his wife (names unknown) attended a small party (5 or 6 couples) at a summer home owned by the [ ]. Also in attendance were [ ] and his wife (name unrecalled). During the course of the evening it was reported that the [ ] showed pornographic movies. While it is known that [ ] and wife left the party relatively early, [ ] couple as well as several other foreign nationals remained with the [ ]. It is not known if anything untoward transpired during the evening and we have no information to suggest that either the [ ] couple or the [ ] and wife engaged in any exploitable activities with the [ ].

2. During his assignment in Prague, [ ] and his wife (name unknown) reportedly attended parties at the [ ] apartment in Prague. The [ ] were known to have entertained the [ ] at their residence as well. The nature and extent of the [ ] contact with the [ ] is unknown.

This information was obtained from sources who are presumed to be reliable.

(LOU) The proposed dissemination of the above information is derived from data contained in your agent report concerning interviews with [ ] (report #5) and [ ] (report #7). Please advise this Staff if the proposed dissemination meets with your approval. Questions or comments concerning this case should be directed to either Messrs. Donald Arabian or Alan Gowing.

S E C R E T

*MFR: 9 Aug 79 looking  
Authority to disseminate above info granted  
verbally this date to Don Arabian, per  
Col G. / Mr Clifford. No reply to this letter  
needed - Doyon*