Some individuals want copies of information the Agency may have on file on them. These personal requests usually are also processed under a sister law regarding personal information, the Privacy Act.

Numerous FOIA requests, however, fall in still other categories. Interesting requests received in the past have included:

- queries about UFO's;
- queries from crypt buffs about purchasing classified crypto-equipment.

While requests may often seem arcane, self-serving, and even frivolous, the FOIA remains the principal means by which individuals can obtain information about the government and its activities directly from the government itself.

COSTS AND CONCERNS

Federal agencies spend millions of dollars administering the FOIA each year. (NSA spent over a third of a million dollars on FOIA last year.) While not designed to recoup all the expenses of FOIA administration, the FOIA does provide for the assessment of fees in conjunction with processing FOIA requests. Fees may be assessed for search and duplication costs, but not for the effort expended by professionals in reviewing documents to evaluate the disposition of responsive information. The FOIA provides further that fees should be waived or appropriately reduced where a fee waiver is sought by the requester and when furnishing the information responsive to the request can be considered as primarily benefiting the general public. The Department of Justice has provided considerable guidance to assist agencies in evaluating requests for fee waivers and ensuring compliance with the statutory policy on fees.

Agencies are concerned about the cumulative amount of information released under the FOIA and the degree of effort and number of employees involved. Companies are worried that their competitive ability may be impaired over time by commercial FOIA releases.

Meanwhile, NSA, like all government agencies, must carry out its obligations under the FOIA as long as the Act is in effect. With regard to commercial information, we must provide releasable information to requesters, while also considering the legitimate concerns of the contractors and vendors. In the case of government records, we must respect the public right to be informed, while simultaneously protecting the national security.

Two things are certain: the FOIA will not go away, and like it or not, the FOIA is the law.

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QUOTE

WITHOUT COMMENT

Remarks by Dr. Solomon Kullback, guest speaker, at the Phoenix Society Annual Meeting and Dinner Dance, 27 May 1983, at the Fort Meade Officers Club. Reprinted, with permission, from the PHOENICIAN, Summer 1983.

Sometime in January 1981, I received a telephone call in Florida, from an individual who identified himself as "BAMFORD" of "Houghton Mifflin," writing a book about NSA. My mistake was even to talk to him. Although I cannot now remember the details of the telephone conversation, it was limited to some anecdotes about the period of the thirties.

I did not disclose to Mr. Bamford classified or otherwise sensitive information concerning the activities, organization, and personnel of the NSA. Since I have not been privy to any NSA activities since May 1962, I could not make any disclosure, even inadvertently.

Bamford's reference to me in the Preface is completely unwarranted by the facts and of course was without my permission or knowledge. In his unscrupulous fashion he obviously used me to lend an aura of authenticity to his book. I am particularly distressed by the fact that an AMERICAN CITIZEN and an AMERICAN PUBLISHING HOUSE, apparently motivated by the possible monetary returns, and displaying an obvious bias against NSA, would and could publish a book like The Puzzle Palace.

Dear Dr. Kullback,

I recently received a summary of a talk you gave to members of the Phoenix Society. I thoroughly enjoyed the stories of your early days in the cryptologic field; you can be very proud of the legacy left by you and your compatriots.

I appreciate your expressions of support for the National Security Agency and your obvious continuing security consciousness. I can imagine your distress over the misrepresentations made by
Mr. Bamford in his preface, which you referred to in your speech and in your November letter to me. As you noted, he used your reputation to attempt to bring credibility to his book. He did this with other previous -- and some present -- employees to whom he spoke.

Again, thank you for your support.

Sincerely,
Lincoln D. Faurer
Lieutenant General, USAF
Director NSA/Chief, CSS
10 June 1983

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LETTER TO THE EDITOR

This is to let people know about a contact I had with James Bamford, author of The Puzzle Palace.

He called me at home one Sunday afternoon to interview me about my lawsuit against NSA for his new book on security practices in government agencies, including those in the intelligence community.

I declined, told him that I had also declined to be interviewed by Mike Wallace on "60 Minutes." He replied that it did not matter, that he had "the entire court record," and that it would be in his book, including my work record which he found "very impressive."

How could he know that? I wondered then, and still do. A summary of my work experience at NSA exists only in a sealed portion of the record, classified TOP SECRET Codeword. It was not to be part of the open record. Nevertheless, on the basis of Mr. Bamford's words and the general tenor of his conversation with me, I am concerned that somehow he did acquire knowledge of the sealed classified record which was a part of my case. An alarming development if so. Or perhaps he was trying to make me believe that, and so entice me into revealing classified information.

These events were duly reported to the proper authorities. But I am assuming that Mr. Bamford is going to describe the case as he said he would and that no effort will be made to prevent him from doing so; a senior Agency official once remarked that such action would be counterproductive.

What must have interested Mr. Bamford is that I won a precedent-setting suit against the Agency under the Privacy Act; I suppose he assumed that I'd be willing to talk to him about it simply for that reason.

The case put on notice those people who, through deliberate intent or just plain ignorance, violate the law. We don't want to see any abuse whatsoever of the constitutional rights of individuals. Nor do we want to see any weakening of our ability to maintain the security practices that are so vital to our National Security. We want to be able to carry out the responsibilities entrusted to us by the American public while at the same time avoiding any actions that have a built-in potential of leading us in the direction of a police state. The task of maintaining the critically important balance between the two is ever-present and difficult. But we can do it without the harmful revelations of Mr. Bamford and others of his ilk.

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LONESOME

Attractive illustrations on Africa (3) seek interesting articles on same. May be scholarly or homespun or straight-from-the-shoulder. Shorties preferred.

Address inquiries to Editor, CRYPTOLOG, P1

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Albert L. Murphy, E403