

F-2008-01274

The James Madison Project  
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19 May 2008

Delores M. Nelson  
Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, DC 20505

Re: FOIA Request – Official Secrets Act Legislation

Dear Ms. Nelson:

This is a request on behalf of the James Madison Project under the Freedom of Information Act, 5 U.S.C. § 552, et seq., for copies of all internal Central Intelligence Agency ("CIA") documents, including cross-references, pertaining to discussions concerning the proposed enactment of an anti-leak provision in the 2001 Intelligence Authorization Act. The provision, known informally as the Official Secrets Act, would have criminalized unauthorized disclosure of properly classified information. This request is intended to include:

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- 1) Testimony by CIA officials delivered verbally or submitted in writing to any Congressional Committee or Subcommittee pertaining to the proposed enactment of this anti-leak provision;
- 2) Correspondence and e-mails between CIA and any Member of Congress, Senator, or Congressional staffer pertaining to the proposed enactment of this anti-leak provision. For purposes of this subparagraph you may limit your searches to the Offices of the Director, Deputy Director, Congressional Affairs, General Counsel, Inspector General, and their predecessors; and
- 3) Any other opinions, memoranda, letters, statements, affidavits, unsworn statements, reports, correspondence, inter-agency communications, and emails pertaining to the proposed enactment of this anti-leak provision and the opinions of the CIA as an institution and of individual CIA employees regarding the proposed statutory language.

*"Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives."*

*James Madison, 1822*

The James Madison Project

Should a document have originated with a third-party agency and require referral, please notify us of the referral and identify the agency in question. If you deny all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information or permit the review and notify us of your appeal procedures available under the law. In excising material, please "black out" rather than "white out" or "cut out."

We are hereby requesting a waiver of all fees. The James Madison Project is a non-profit organization under the laws of the District of Columbia and has the ability to disseminate information on a wide scale. Stories concerning our activities have received prominent mention in many publications including, but not limited to, *Washington Post*, *Washington Times*, *St. Petersburg Tribune*, *San Diego Union Tribune*, *European Stars & Stripes*, *Christian Science Monitor*, *U.S. News and World Report*, *Mother Jones* and *Salon Magazine*. Our website, where much of the information received through our FOIA requests is or will be posted for all to review, can be accessed at <http://www.jamesmadisonproject.org>. Prior requests submitted by our organization have all received fee waivers.

Furthermore, there can be no question that the information sought would contribute to the public's understanding of government operations or activities and is in the public interest. Over the course of the Global War on Terror, numerous documents from a host of executive branch agencies have been released, detailing the legal and policy considerations that have formed the basis for discussions on a wide-range of national security policies. One example was the DOJ's disclosure of memoranda that originated in its Office of Legal Counsel and which formed a critical component of U.S. policies concerning detention of terrorist suspects. Given the highly-publicized nature of this particular controversy and its relation to safeguarding classified information, detailing the span of arguments considered will clearly contribute to the public's understanding of government operations or activities.

Please respond to this request within 20 working days as provided for by law. Failure to timely comply may result in the filing of a civil action against your agency in the United States District Court for the District of Columbia. Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact Kel McClanahan at [redacted]

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Finally, please have all return correspondence addressed specifically to my attention to ensure proper delivery.

Sincerely,

[Handwritten signature of Mark S. Zaid]

Mark S. Zaid  
Executive Director

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MSZ/km

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*James Madison, 1822*

# FAX COVER SHEET

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TO *Delores M. Nelson*

FROM *Kel McClanahan* [redacted]

(b)(6)

DATE *05/19/2008*

## COVER MESSAGE

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