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CATHY HIGGINS-MORA

July 16, 2013

VIA UPS GROUND

Central Intelligence Agency

Agency Release Panel

c/o Michelle Meeks, Information and Privacy Coordinator

Washington, DC 20505

RE: Appeal of FOIA Response Dated July 1, 2013
Reference Number: F-2013-01911

Dear Ms. Meeks:

I hereby appeal your response to our FOIA request referenced above. The determination that the fact of the existence or non-existence of the records requested is a currently properly classified matter under Executive Order 13526 is unwarranted. In addition, the denial based upon FOIA exemptions (b)(1) and (b)(3) is unwarranted. Your Agency cannot properly make blanket claims such as these. The law requires you to be specific about what the item is and then which item is disclosable or not, in full or in part. We do not believe most or all of the information you may find in response to our FOIA request is classified and/or covered by an exemption so please look again and reconsider in favor of disclosing, at least in partial format.

Your response is a denial of access to any and all information in the possession of the CIA. You state that the information is "intelligence sources and methods information that is protected. It cannot be true factually that all information in the CIA's possession is "intelligence sources" and/or "methods information." Otherwise, all CIA records would be exempt by status. You must actually check on the specific information requested of our client and respond appropriately.

In addition, the FOIA has a "presumption in favor of disclosure." 5 U.S.C. § 552(b)(7)(D) 2006, amended by OPEN Government Act of 2007, Pub. L. No. 110 175, 121 Stat. 2524; see also Presidential Memorandum for Heads of Executive Departments and Agencies Concerning Freedom of Information Act, 74 Fed. Reg. 4683 (Jan. 21, 2009) (emphasizing that the Freedom of Information Act reflects a "profound national commitment to ensuring an open Government" and directing agencies to "adopt a presumption in favor of disclosure"); accord Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act (Mar. 19, 2009), available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>; FOIA post, "OIP Guidance: President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines Creating a New Era of Open Government (posted 4/17/09). Moreover, your agency should not withhold information simply because it may do so legally. The Attorney General specifically stated that he, "strongly encourage[s] agencies to make discretionary disclosures of information." Furthermore, per the Attorney General, you "must consider whether you can make partial disclosure" at a minimum.

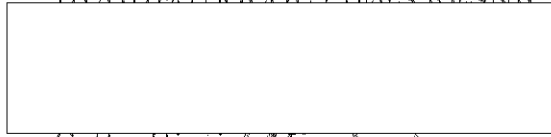
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Please direct any questions or requests for further information directly to me as counsel. Thank you in advance for your prompt attention.

Very truly yours,

HUGHES SOCOL PIERS RESNICK & DYM, LTD.



Cathy Higgins Mora

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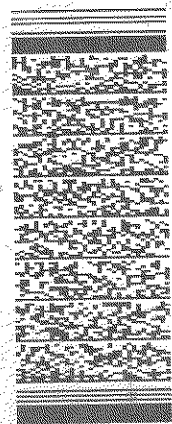
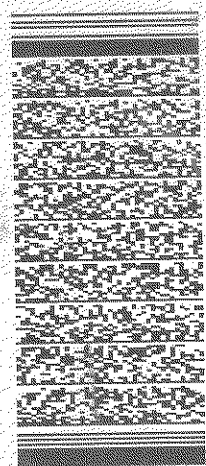
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 Michelle Meeks, Information and
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