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Approved For Release 2005/12/05 : CIA-RDP82M00345R000700040179-8

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*Log Appeal F77-0284/CH5*

COMMITTEE ON JUDICIARY  
CHAIRMAN  
SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS  
COMMITTEE ON VETERANS' AFFAIRS

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

September 20, 1977

Mr. Gene F. Wilson  
Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Wilson:

This is an appeal pursuant to subsection (a) (6) of the Freedom of Information Act (5 U.S.C. 552).

On July 19, 1977, I received a letter from George L. Cary of your agency denying my request for information and indicating that an appeal should be directed to the CIA Information Review Committee via your office. This letter constitutes such an appeal. I am enclosing a copy of my exchange of correspondence with the Agency so that you can see exactly what files I have requested and the insubstantial grounds on which my request has been rejected.

My original request was for information relating to the publication of the book, "Chile's Marxist Experiment" authored by Robert Moss and published in Britain by David & Charles in 1973 and by Halstead Press and John Wiley & Sons, Inc. in the United States in 1974. The request was a general one relating to all information in your files pertaining to publication of the book. However, the wording of the Agency denial and the fact that my request released no information whatsoever, leads me to believe that the Agency has not made a reasonable search for the requested materials.

If such a search was actually made, it seems unlikely it would reveal that all materials relating to the Robert Moss book are classified under the criteria set forth in Executive Order 11652. Should all the materials be classified, I would like them reviewed to determine whether or not they were properly classified pursuant to Executive Order 11652.

The Agency further cites exemption (b) (3) of the Freedom of Information Act as grounds for denial. However, this exemption, as amended by P.L. 94-408, applies only where the statute invoked, "(A) requires that 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

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refers to particular types of matters to be withheld".

The Statute invoked in your denial, subsection 102 (d) (3) of the National Security Act of 1947, meets neither of these criteria and therefore exemption (b) (3) of the Freedom of Information Act does not sustain the Agency denial of my request.

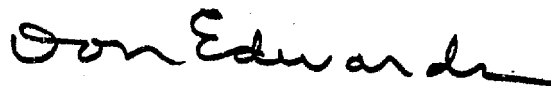
Should any portion of the requested information be deemed exempted by 5 U.S.C. 552 (b), that section as amended by P.L. 94-409 further provides that any segregable portion shall be provided after deletion of exempt portions.

I fully expect that the information which I have requested will be forthcoming. If, however, the Agency should decide to withhold any portion of the requested records under the Freedom of Information Act, I urge you to include with your final decision an index and itemization of the withheld records correlated with the alleged statutory justification for the withholding. The inclusion of such a justification will better enable me to assess the need for further legal action, and will help to avoid possibly unnecessary litigation.

I trust that upon examination of my request you will conclude that the information I am seeking is not properly classified under Executive Order 11652 or covered by exemption (b) (3) of the Freedom of Information Act and that the information will be made available promptly.

As provided for in the Act, I will expect to receive a reply within 20 working days.

Sincerely,



Member of Congress

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encl.

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THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

Office of Legislative Counsel

OLC 77-1863/a

Representative Don Edwards  
House of Representatives  
Washington, D. C. 20515

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Dear Mr. Edwards:

This is in response to your letter of 6 May 1977 to Mr. Gene F. Wilson, our Information and Privacy Coordinator, requesting under FOIA all records which relate in any way to the publication of a book, "Chile's Marxist Experiment," authored by Robert Moss and published in Britain in 1973 by David & Charles and subsequently by Halsted Press and John Wiley & Sons, Inc., in the United States in 1974.

As you indicated, the Agency received an identical FOIA request from Richard M. Schmidt, Jr., attorney for John Wiley & Sons, Inc. Both requests have been reviewed, and it has been determined that documents which might exist, which would be responsive to those requests, would be duly classified under the criteria set forth in Executive Order 11652. It has been further determined that the existence or nonexistence of such records, if any, would relate to information pertaining to intelligence sources and methods, which the Director of Central Intelligence has the responsibility to protect from unauthorized disclosure in accordance with subsection 102(d)(3) of the National Security Act of 1947, as implemented by section 6 of the Central Intelligence Agency Act of 1949. Accordingly, such records, if any, are denied pursuant to exemption (b)(3) of the Freedom of Information Act.

These determinations have been made by Mr. Charles A. Briggs, DDO Information Review Officer. As specified in the Freedom of Information Act, you have the right to appeal these decisions by addressing your appeal to the CIA Information Review Committee via Mr. Wilson. For your information, Mr. Wilson responded to Mr. Schmidt's FOIA request by letter dated 20 May 1977.

Sincerely,

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George L. Cary  
Legislative Counsel

DON EDWARDS  
CALIFORNIA

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COMMITTEE ON  
JUDICIARY

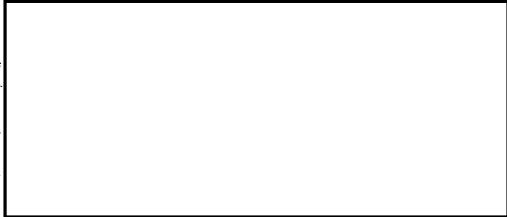
Congress of the United States  
House of Representatives  
Washington, D.C. 20515

CHAIRMAN  
SUBCOMMITTEE ON  
CIVIL AND  
CONSTITUTIONAL RIGHTS

COMMITTEE ON

ILLEGIB

May 6, 1977



Mr. Gene F. Wilson  
Information and Privacy  
Coordinator  
Central Intelligence Agency  
Washington, DC 20505

Dear Mr. Wilson:

This is a request under the Freedom of Information Act, as amended (5 U.S.C. §552). The purpose of this letter is to obtain access to all records which relate in any way to the publication of a book, "Chile's Marxist Experiment" authored by Robert Moss, and published in Britain in 1973 by David & Charles, and by Halsted Press and John Wiley & Sons, Inc. in the United States in 1974.

You have a letter dated March 31, 1977 from Richard M. Schmidt, Jr., attorney for John Wiley & Sons, Inc. The subject of that letter and my letter is the same and this should facilitate your work.

Please send the information to me at the House of Representatives and please acknowledge receipt of this letter.

Sincerely,

Member of Congress

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