

at: ER 2086/11

OGC 83-04207

84 MAY 1983

Lieutenant General Lincoln D. Faurer, USAF  
Director, National Security Agency  
Fort George G. Meade, Maryland 20755

Dear General Faurer:

I am in receipt of your memorandum dated 5 May concerning the proposed "Intelligence Information Act of 1983." I want to assure you that in considering this legislation we kept the needs of NSA and the rest of the Intelligence Community closely in mind.

As you know, we sought to have legislation cleared for introduction in the 97th Congress which would have provided a total exclusion from the FOIA for CIA, NSA, and DIA, as well as for other Intelligence Community components specified by Executive order. This proposal was not cleared for transmission to the Hill until the middle of the second session, when it was too late to accomplish passage. While a total exclusion remains the most preferable option from the standpoint of obtaining relief from the burdens of the FOIA for the Intelligence Community, it is, unfortunately, the least politically feasible approach.

I am enclosing for your information a copy of President Reagan's response to the letter from Senator Goldwater which you reference in paragraph one of your memorandum. As you can see from the letter, the President supports "appropriate legislative relief" from the FOIA for all the agencies within the Intelligence Community. We believe that the proposed "Intelligence Information Act" will provide the CIA with substantial relief from the burdens of the FOIA, and we have left open the possibility for other Intelligence Community agencies to be included. You indicated in your memorandum, however, that inclusion of NSA in this legislation would not provide you with the relief you need because your records and record-keeping differ substantially from CIA's.



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While I agree that the enactment of FOIA relief legislation for CIA alone could possibly give rise to a perception that NSA's need for relief is not as urgent as CIA's, I do not believe that such a law could, in fact, adversely affect NSA's current excellent FOIA position which is the result of judicial decisions which, in effect, close off most of NSA SIGINT material to FOIA requesters. Nevertheless, in order to combat any adverse impact on NSA within the Congress or the courts, I agree that every effort should be made in the course of the legislative proceedings leading to enactment of the CIA bill to ensure that NSA's current position vis-a-vis the FOIA, as interpreted by the courts, finds favor with the Congress.

Sincerely,

**/s/ William J. Casey**

William J. Casey

Enclosure

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