

made public would compromise the secret nature of the information. Vaughn v. Rosen, 157 U.S. App. D.C. 340, 484 F.2d 820, 826 (1973), cert. Denied, 415 U.S. 977 (1974). Classification of the information in question is required because its disclosure would reveal the intelligence sources and methods by which it was derived, the revelation of which would cause damage to the national security interests of the United States. Revealing some information cannot be accomplished without also revealing the capability of our intelligence system to acquire and assimilate it. Thus, no portion of the information is reasonably segregable, as release of any portion would compromise intelligence sources and methods. We are required by statute and Executive Order to protect such sources and methods; therefore, all portions of the record are properly classified. The Chief, Policy Staff, by citing Public Law 86-36 (50 U.S.C. §402 note), 18 U.S.C. §798, and 50 U.S.C. §403(d)(3) as bases for exempting the information, indicated that it was being withheld for this reason. Any further identification of the record would reveal the classified information protected by Public Law 86-36 and 18 U.S.C. §798 and 50 U.S.C. §403. As of 1 December 1978, Executive Order 12065 replaced Executive Order 11652, at the Department of Defense (DoD) Regulation 5200.1-R was revised to implement the new Executive Order. The information being withheld from you has been reviewed in accordance with these new classification guidelines.

With respect to the classification assigned to the information being withheld, I have concluded that the information meets the criteria for classification

in Section 1-3 of Executive Order 12065 and in paragraph 2-202 of DoD Regulation 5200.1-R and that it is properly classified in its entirety within the categories provided in Section 1-1 of Executive Order 12065 and in Chapter I, Section 5 of DoD Regulation 5200.1-R. The information has been reviewed for possible declassification or downgrading according to the provisions of Sections 3-1 and 3-3 of Executive Order 12065 and of Chapter III of DoD Regulation 5200.1-R and found to be properly classified and therefore excluded from declassification or downgrading. In conducting this review, I have weighed the significant need for openness in government against the likelihood of damage to our national security at this time and have determined that the information should continue to be classified. Thus, I find that the Chief, Policy Staff, properly found the information to be exempt from release pursuant to 5 U.S.C. §552(b)(1), and I affirm his denial of your request for release of the information on these grounds.

The National Security Agency is precluded by 18 U.S.C. §798 from providing information concerning classified communications intelligence activities except to those persons authorized to receive such information. 50 U.S.C. §403(d)(3) protects information pertaining to intelligence sources and methods. Section 6 of Public Law 86-36 provides that no law shall be construed to require disclosure of the organization or any function of the National Security Agency or any information with respect to the activities thereof. DoD Directive 5400.7,