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classified under Executive Order 12065,
the records are exempt from disclosure
pursuant to 5 U.S.C. §552(b) (1).

18. Release of the COMINT records
being withheld from the plaintiff or any
portion of any of them would disclose
information about the nature of NSA's
activities including its functions and
thereby jeopardize the intelligence
collection mission of the Agency. (See
paragraphs 11 through 15 above.) This
mission of the NSA is singular and unique.
Public disclosure of specific information
about the records in the context of that
singular mission would reveal certain
functions and activities of the NSA which
are protected from disclosure by Section
6 of Public Law 86-36, 50 U.S.C. §402
(note). Moreover, the disclosure of
these classified records or of specific
information about them would reveal
information protected by 18 U.S.C. §798

prohibiting the unauthorized disclosure
of classified information concerning the
communications intelligence activities
of the United States. The disclosure of
these records or any portion of them
would also compromise classified informa-
tion pertaining to intelligence sources
and methods protected from disclosure by
Section 103(d) (3) of the National Security
Act of 1947 (50 U.S.C. §403(d) (3)).
Accordingly, it was determined that the
COMINT records are exempt from release
under 5 U.S.C. §552(b) (3) of the Freedom
of Information Act because each portion
of each record is protected from
disclosure by Section 6 of the Public Law
86-36, 18 U.S.C. §798, and by Section
103(d) (3) of the National Security Act
of 1947.

19. It should be noted that the
classification of these COMINT records
and the withholding of them pursuant to