

NATIONAL SECURITY COUNSELORS

1200 SOUTH COURTHOUSE ROAD
SUITE 124
ARLINGTON, VA 22204

TELEPHONE: (301) 728-5908
FACSIMILE: (240) 681-2189

KEL MCCLANAHAN, ESQ., EXECUTIVE DIRECTOR (admitted in NY, DC)
EMAIL [REDACTED] NATIONALSECURITYLAW.ORG

BRADLEY P. MOSS, ESQ., DEPUTY EXECUTIVE DIRECTOR (admitted in IL, DC)
EMAIL [REDACTED] NATIONALSECURITYLAW.ORG

7 October 2010

Scott Koch
Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

Re: MDR Request – Existence or nonexistence of specific referred request case files

Dear Mr. Koch:

This is a request on behalf of National Security Counselors (“NSC”) pursuant to the provisions of Executive Orders 12958, 13292, and 13526 for Mandatory Declassification Review of **the existence or nonexistence of administrative case files created in Fiscal Years 2008-2009 for Freedom of Information Act (“FOIA”) requests submitted by the James Madison Project to other government agencies that were referred in whole or in part to the Central Intelligence Agency (“CIA”) for either (a) direct response to the requester or (b) response to the other agency.** These original requests would have been signed by either Mark Zaid or Kel McClanahan. A privacy waiver is attached.

This request is *not* for the FOIA request case files themselves; they are not classified records. This request is for the CIA to cease providing “Glomar” responses to FOIA requests for administrative case files for referred FOIA requests. The only piece of information for which the Mandatory Declassification Review is requested is the very narrow item of the existence or nonexistence of these records. I.e., if our request is granted, the CIA will only have to send us a letter saying either “Yes, the CIA possesses these administrative case files” or “No, the CIA does not possess these administrative case files.” This piece of information (the existence or nonexistence of administrative case files for requests made by the James Madison Project or Mark Zaid) has not previously been the subject of declassification review within the last two years.

Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact me.

Sincerely,



Kel McClanahan
Executive Director