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Description of document: **NSA administrative processing file for FOIA request for records on Stokely Carmichael**

Requested date: 27-October-2007

Released date: 10-September-2008

Posted date: 27-September-2008

Date/date range of document: 14-March-2007 – 10-May-2007
(Records refer to earlier incidents and documents)

Source of document: NSA FOIA Requester Service Center:
National Security Agency
Attn: FOIA/PA Office (DJ4)
9800 Savage Road, Suite 6248
Ft. George G. Meade, MD 20755-6248
Telephone: (301) 688-6527
Fax: (443) 479-3612

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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 54025
10 September 2008

This is the final response to your Freedom of Information Act (FOIA) request dated 27 October 2007 for “ - The letter of request; - The letter of response, - The contents of the administrative tracking file (notes, memos, email, letters, etc., etc.), and also - The first 200 pages of any records provided for each of the following eight (8) FOIA request cases at the NSA: 51864 51897 51978 51982 52003 52440 52467 52565.” A copy of your request is enclosed. Your request has been processed under the FOIA and some of the documents you requested are enclosed. Certain information, however, has been deleted from the enclosures.

Some of the information deleted from the documents was found to be currently and properly classified in accordance with Executive Order 12958, as amended. This information meets the criteria for classification as set forth in Subparagraph (c) of Section 1.4 and remains classified TOP SECRET and SECRET as provided in Section 1.2 of the Executive Order. The information is classified because its disclosure could reasonably be expected to cause exceptionally grave or serious damage to the national security.

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. We have determined that such information exists in these documents. Accordingly, those portions are exempt from disclosure pursuant to the third exemption of the FOIA which provides for the withholding of information specifically protected from disclosure by statute. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 403-1(i); and Section 6, Public Law 86-36 (50 U.S. Code 402 note).

Commercial and financial information that is privileged or otherwise confidential has also been deleted from the enclosures, pursuant to the fourth exemption of the FOIA.

Also, some of the information has been deleted from the enclosures pursuant to the fifth exemption of the FOIA. This exemption applies to inter-agency or intra-agency memoranda or letters which would not be available by law to a party in litigation with the agency, protecting information that is

normally privileged in the civil discovery context, such as attorney-client privileged information.

Additionally, personal information regarding an individual has been deleted from the enclosures in accordance with 5 U.S.C. 552 (b)(6). This exemption protects from disclosure information that would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

Since these deletions may be construed as a partial denial of your request, you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days from the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJP4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Sincerely,

A handwritten signature in cursive script that reads "Rhea D. Siers".

RHEA D. SIERS
Deputy Associate Director for Policy

Encls:
a/s

NATIONAL SECURITY AGENCY ADMINISTRATIVE
PROCESSING FILE FOR PREVIOUS FOIA REQUEST
FOR RECORDS ON STOKELY CARMICHAEL

Precca, Larry R.

From: webteam@nsa.gov [webteam@nsa.gov] **Sent:** Sat 3/17/2007 9:33 PM
To: foianet@nsa.gov
Cc:
Subject: Joseph, Peniel - FOIA Request (Web form submission)
Attachments:

Name: Peniel E. Joseph
Company: State University of New York at Stony Brook
Address: 46 Hillside Rd.
City/State/ZIP: Stony Brook, NY 11790-1020
Country: United States of America
Home Phone: [REDACTED]
Work Phone: 63632-7495

(b) (6)

Records Requested:

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I am requesting information or records on Stokely Carmichael (also known as Kwame Ture) from the point that such records started to the time that they conclude. Carmichael was born on June 29, 1941 and died on November 15, 1998.

I am willing to pay whatever fees that this request will produce. I am also asking for a fee waiver as an academic. I am a historian and author of the book, *Waiting Till the Midnight Hour: A Narrative History of Black Power in America*. These materials are requested as part of a new book project on Stokely Carmichael and American democracy during and after the 1960s. They will serve an educational purpose in disseminating knowledge of this important historical figure to students, scholars, and the wider general public.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

If you have any question about handling this request, you may telephone me at home [REDACTED] or at my office (631-632-7495). My e-mail address is Peniel.Joseph@stonybrook.edu.

Sincerely,

Peniel E. Joseph, Ph.D.

(b) (6)

Approved for Release by NSA on
09-09-2008, FOIA Case # 54025

[Redacted]

(CIV-NSA)DJ4

From: [Redacted] (CIV-NSA) S12C1
Sent: Monday, March 26, 2007 2:44 PM
To: [Redacted] (CIV-NSA) S12C1; Phillips, Pamela Norris (CIV-NSA)DJ4; Stuper, Marianne G (CIV-NSA) DJ4; [Redacted] (CIV-NSA) DJ4
Cc: [Redacted] (CIV-NSA)DJ4
Subject: 52565 / Joseph from ANCH 2

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

(b) (3) - P.L. 86-36

BTW - The old PROD documents, sometimes a serial number could not be found even though there is a serial number on the list. Some did not even contain a serial number. The formatting was terrible back in those days. So for the old stuff, from 1967 till about the early 70's, it will be a hit and miss on the serial numbers.

Sandy

[Redacted]

*ANCHORY HELP DESK
S12C1 (formerly S12C3)
972-2272 301-688-2272
SAB2 DOOR22 SUITE 6886*

From: [Redacted] (CIV-NSA) S12C1
Sent: Monday, March 26, 2007 2:41 PM
To: Phillips, Pamela Norris (CIV-NSA)DJ4; Stuper, Marianne G (CIV-NSA) DJ4; WRL, Sally Ann (CIV-NSA) DJ4
Cc: [Redacted] S12C1
Subject: (U) CASE 52565

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

OK, this is my first attempt at this. I have everything over in the shared folder, may not be classified right, but I am running out of time and have to leave. There may only be one file that is READ ONLY, WORD kept failing on me. If you have any questions, comments, concerns, gripes, suggestions, etc., I will be at FANX tomorrow. So I will read them when I come back on Wednesday.

Dave - Sorry I am past due on this FOIA, but this was one that I knew I would have hits on and wanted to hold off on this until everthing was in place as far as the shared directory. I usually do get FOIAs done on time.

Sandy

[Redacted]

*ANCHORY HELP DESK
S12C1 (formerly S12C3)
972-2272 301-688-2272
SAB2 DOOR22 SUITE 6886*

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

SECURITY CLASSIFICATION (if any)

FOIA/PA ACTION RECORD

POLICY LOG DATE (Date of Policy correspondence - YYYY-MM-DD) 2007-03-14	POLICY SERIAL NUMBER 52565
ACTION TITLE (Description or title of customer request) STOKELY CARMICHAEL aka KWAME TURE/KWAME SHAKA TURE	
SUSPENSE DATE (Date required to meet Policy suspense (usually 10 days) - YYYY-MM-DD) 2007-03-20	GROUP LOG NO. (GROUP originated reference no.) DIR -
CUSTOMER CORRESPONDENCE DATE (Date on customer's original correspondence - YYYY-MM-DD)	CASE OFFICER (Individual assigned to process the customer request and ensure completeness of response)
DATE ASSIGNED (Date case officer assigned action - YYYY-MM-DD)	DATE COMPLETED (Date case officer completed action - YYYY-MM-DD) 2007-03-30

(b) (3) - P.L. 86-36

SUBJECT (Prepare one of the following which depends upon the request received from Policy)

COST ESTIMATE (An estimate, based in hours, on how long it would take to do the search, if requested to do so)

FOIA/PA SEARCH (Perform search of all files and databases. Use DD 2086 to keep track of time and level of effort expended in completing search or providing cost estimate)

SEARCH STRATEGY

DATABASES/FILES SEARCHED

ANCHORY AIRS STINFO

KEY WORDS USED

1: STOKELY NEAR3 CARMICHAEL
or
2: KWAME NEAR3 TURE

<input type="checkbox"/>	NO RECORDS FOUND
<input type="checkbox"/>	I reasonably believe that my organization does not have information responsive to the attached request.
<input type="checkbox"/>	A search was performed but there are no responsive records in our files. (Complete a Form DD 2086.)
<input type="checkbox"/>	MUST SEARCH TO DETERMINE IF RESPONSIVE RECORDS EXIST
<input checked="" type="checkbox"/>	RECORDS FOUND (A search was performed and records were found. Complete a Form DD 2086.)
<input checked="" type="checkbox"/>	DOC (s) 37 DOCS
<input checked="" type="checkbox"/>	PAGE (s) ??? pages
SIGNATURE	OFFICE S12C1
	PHONE (Secure) 872-2272 (Non-Secure) (301) 688-2272

FORM 06724 REV JUN 2001 (Supersedes 06724 REV JUL 2000 which is obsolete)

SECURITY CLASSIFICATION (if any)

Derived From: _____
Dated: _____
Declassify On: _____

RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COST				REPORT CONTROL SYMBOL DD-DA&M(A)1365			
<i>Please read instructions on back before completing form.</i>							
1. REQUEST NUMBER 52565		2. TYPE OF REQUEST (X one) <input checked="" type="checkbox"/> a. INITIAL <input type="checkbox"/> b. APPEAL		3. DATE COMPLETED (YYYYMMDD) 20070330			
4. ACTION OFFICE							
5. CLERICAL HOURS (E-9/GS-8 and below)			FEE CODE	(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST	
a. SEARCH			1			0.00	
b. REVIEW/EXCISING			2		X \$20.00	0.00	
c. OTHER ADMINISTRATIVE COSTS			3			0.00	
6. PROFESSIONAL HOURS (O-1 - O-6/GS-9-GS-15)/CONTRACTOR				(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST	
a. SEARCH			1	0.25		11.00	
b. REVIEW/EXCISING			2		X \$44.00	0.00	
c. OTHER/COORDINATION/DENIAL			3			0.00	
7. EXECUTIVE HOURS (O-7 - ES 1 and above)				(1) TOTAL HOURS	(2) HOURLY RATE	(3) COST	
a. SEARCH			1			0.00	
b. REVIEW/EXCISING			2		X \$75.00	0.00	
c. OTHER/COORDINATION/DENIAL			3			0.00	
8. COMPUTER SEARCH				(1) TOTAL TIME	(2) RATE	(3) COST	
a. MACHINE TIME (Not PC, desktop, laptop)			4	0.05	254.25	12.71	
b. PROGRAMMER/OPERATOR TIME (Human)					X		
(1) Clerical Hours			1		\$20.00/hr	0.00	
(2) Professional Hours			1		\$44.00/hr	0.00	
9. OFFICE MACHINE COPY REPRODUCTION				(1) NUMBER	(2) RATE	(3) COST	
a. PAGES REPRODUCED FOR FILE COPY			3		.15	0.00	
b. PAGES RELEASED			5		.15	0.00	
10. PRE-PRINTED PUBLICATIONS				(1) TOTAL PAGES	(2) RATE	(3) COST	
a. PAGES PRINTED			5		X .02	0.00	
11. COMPUTER PRODUCT OUTPUT/ACTUAL COST CHARGES				(1) NUMBER	(2) ACTUAL COST	(3) COST	
a. TAPE/DISC/CD			8		X	0.00	
b. PAPER PRINTOUT			3			0.00	
12. OTHER ADMINISTRATIVE FEES				(1) NUMBER	(2) ACTUAL COST	(3) COST	
a. ALL POSTAGE/ADMINISTRATIVE (See instructions)			3		X	0.00	
13. AUDIOVISUAL MATERIALS				(1) NUMBER	(2) ACTUAL COST	(3) COST	
a. MATERIALS REPRODUCED			4		X	0.00	
14. SPECIAL SERVICES				(1) NUMBER	(2) ACTUAL COST	(3) COST	
a. ALL SPECIAL SERVICES (See instructions)			6		X	0.00	
15. MICROFICHE REPRODUCED					X	.25	0.00
FEE CODES 1 Chargeable to "commercial" requesters. Chargeable to "other" requesters after deducting 2 hours. 2 Chargeable to "commercial" requesters only. 3 Not chargeable to any fee category. 4 Chargeable to "commercial". Chargeable to "other" after deduction of the equivalent of 2 hours. (Example: deduct \$88.00 professional rate.) 5 Chargeable to all fee categories after deduction of 100 pages (DOES NOT include "commercial"). 6 Chargeable to all fee categories. No deductions.				16. FOR FOI OFFICE USE ONLY a. TOTAL COLLECTABLE FEES b. TOTAL PROCESSING FEES \$23.71 c. TOTAL CHARGED d. FEES WAIVED/REDUCED (X one) e. FEES NOT APPLICABLE (X one)			
				Yes No Yes No			
See Chapter 6, Fee Schedule, DoD 5400.7-R, to determine appropriate assessment of fees.							

INSTRUCTIONS FOR COMPLETING DD FORM 2086

This form is used to record costs associated with the processing of a Freedom of Information request.

1. REQUEST NUMBER - First two digits will express Calendar Year followed by dash (-) and Component's request number, i.e., 03-001.

2. TYPE OF REQUEST - Mark the appropriate block to indicate initial request or appeal of a denial.

3. DATE COMPLETED - Enter year, month and day, i.e., 20031001.

4. ACTION OFFICE - Enter the office processing this request.

5. CLERICAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search - Time spent in locating from the files the requested information.

Review/Excising - Time spent in reviewing the document content and determining if the entire document must retain its classification or segments could be excised thereby permitting the remainder of the document to be declassified. In reviews for other than classification, FOI exemptions 2 through 9 should be considered.

Other Administrative - Time spent in activity other than above, such as hand carrying documents to other locations, restoring files, etc.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

6. PROFESSIONAL HOURS - For each applicable activity category, enter time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search/Review/Excising/Other - See explanation above.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

7. EXECUTIVE HOURS - For each applicable activity category, enter the time expended to the nearest 15 minutes in the total hours column. The activity categories are:

Search/Review/Excising/Other - See explanation above.

- Multiply the time in the total hours column of each category by the hourly rate and enter the cost figures for each category.

8. COMPUTER SEARCH - When the amount of government-owned (not leased) computer processing machine time required to complete a search is known, and accurate cost information for operation is available, enter the time used and the rate. Then, calculate the total cost which is fully chargeable to the requester.

- Programmer and operator costs are calculated using the same method as in Items 5 and 6. This cost is also fully chargeable to requesters as computer search time.

9. OFFICE COPY REPRODUCTION - Enter the number of pages reproduced and/or released.

- Multiply by the rate per copy and enter cost figures.

10. PRE-PRINTED PUBLICATIONS - Enter total pages.

- Multiply the total number of pages by the rate per page and enter cost figures.

11. COMPUTER COPY - Enter the total number of tapes and/or printouts.

- Multiply by the actual cost per tape or printout and enter cost figures.

12. OTHER ADMINISTRATIVE FEES - Covers postage (when known), correspondence preparation, other non-billable charges not covered under Items 5 - 7, etc.

13. AUDIOVISUAL MATERIALS - Duplication cost is the actual cost of reproducing the material, including the wages of the person doing the work.

14. SPECIAL SERVICES - Covers items outside of the FOIA such as authenticating records at \$5.20 per seal, overnight mail at cost, and other services for which the requester agrees to reimburse the agency.

15. MICROFICHE REPRODUCED - Enter the number of copies and multiply by the rate per copy.

16. FOR FOI OFFICE USE ONLY -

Total Collectable Fees - Add the blocks in the cost column and enter total in the total collectable fees block. Apply the appropriate waiver for the category of requester prior to inserting the final figure. Further discussion of chargeable fees is contained in Chapter VI of DoD Regulation 5400.7-R.

Total Processing Fees - Add all blocks in the cost column and enter total in the total processing fees block. The total processing fees in most cases will exceed the total collectable fees.

Total Charged - Enter the total amount that the requester was charged, taking into account the fee waiver threshold and fee waiver policy.

Fees Waived/Reduced - Indicate if the cost of processing the request was waived or reduced by placing an "X" in the "Yes" block or the "No" block.

Fees Not Applicable - Indicate if the cost of processing the request was not applicable by placing an "X" in the "Yes" block or the "No" block.

FOIA Case: 52565

Approval Notes – pnphill 5/3/07

Good job with going back to the former case, figuring out what was done, what was different, and being consistent.

Letter:

We generally put the paragraph regarding referrals to other agencies after the appeal paragraph, since we're not giving him appeal rights regarding that information.

No (#) after the written out number of documents. You probably got that from an old letter. It's not needed. We did need the number of pages being denied in parens (57) after the documents, though, so I added that.

Referral Memo:

The proper format for the referral letter serial is 12345-R1, with the dash before the R. Also, you needed to add it on the 2nd page.

To make it a little clearer to State, I made 2 enclosures for the docs – one for no redactions, and one for the one document that had redactions.

This is not a Privacy Act record, so the k(1) exemption line was not needed and I removed it.

Did not need the "proposed redaction" paragraph. That is used for sending an agency docs to review and return to us, so that they can see what we plan to redact (but could change our minds or have classification changes by the time they respond to us). In this case, we want them to respond directly, and we will seal the document before we send it. No "hatch marks" or gray shading. It will be redacted.

Since the document will be sealed before we send it, there will be no COMINT in it (and we are lining through the COMINT codeword on the docs), so the classification banner on the referral memo did not need COMINT.

Documents:

Just for clarity and as per the new ANCHORY SOP, I put a sticky note on the serial list you made so that it's clear to anyone in the future that it in and of itself is not a responsive document. I also re-titled the document consistent with the SOP.

FOIA Case: 52565-R1
10 May 2007

Department of State
INR/IC
ATTN: James Barron
Room 6510
Truman Building
2201 C Street, NW
Washington, DC 20520

Dear Mr. Barron:

(U) This office is in receipt of a Freedom of Information Act (FOIA) request (**Encl A**) from Peniel E. Joseph requesting "information or records on Stokely Carmichael (also known as Kwame Ture) from the point that such records started to the time that they conclude," which was received by this agency on 19 March 2007.

(U) In our review of NSA records responsive to the above request, the following surfaced:

(U) For your direct response to the requester:

8 documents (36 pages) which originated with your agency (**Encls B and C**). We will advise the requester of this referral. Be advised that the same documents were referred to your agency for FOIA Case 13983-R1 on 16 September 2002. Please ensure that the appropriately cleared personnel in the State Department's FOIA Office receive this material for review.

(U) We have identified the NSA-originated information in the documents at **Encl B** and have no objection to its release.

(U) We have identified NSA/CSS information in **Encl C** that is currently and properly classified in accordance with E.O. 12958, as amended. It has been indicated for deletion pursuant to:

FOIA Exemption (b)(1)

(U) The classified information is also exempt from disclosure pursuant to FOIA Exemption (b)(3), which provides for the withholding of information specifically protected from disclosure by statute. The specific statutes applicable in this case are:

Title 18 U.S.C. 798

Title 50 U.S.C. 403-1(i)

Section 6, Public Law 86-36 (50 U.S.C. 402 note.)

Declassify upon removal of enclosures.

(U) When redacting NSA information, please use only an approved on-line redaction tool that physically removes the information from the document. If an on-line tool is not available, please manually cut out the information or use an approved white or black tape method of redaction.

(U) The initial denial authority for NSA information is the Director of Policy. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the initial denial. The appeal shall be in writing to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Ft. George G. Meade, MD 20755-6248. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds under which the requester believes release of information is required. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent unusual circumstances.

(U) Please be sure to return Form A1295 "Transmittal of Material" upon receipt of this case so that we have verification that it was received. If possible, please include your FOIA case number so that we have it for future reference.

(U) If you have any questions concerning this referral, please contact David at (301) 688-6527.

Sincerely,



LOUIS F. GILES
Director of Policy

Encls:
a/s

FOIA Case: 52565
8 May 2007

Mr. Peniel E. Joseph
State University of New York at Stony Brook
46 Hillside Road
Stony Brook, NY 11790-1020

Dear Mr. Joseph:

This responds to your Freedom of Information Act (FOIA) request submitted via the Internet on 17 March 2007, which was received by this office on 19 March 2007, for "information or records on Stokely Carmichael (also known as Kwame Ture) from the point that such records started to the time that they conclude." Your request has been assigned Case Number 52565. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. As such, you are allowed 2 hours of search and the duplication of 100 pages at no cost. There are no assessable fees for this request; therefore, we did not address your request for a fee waiver.

Your request has been processed under the provisions of the FOIA. Thirty-five documents (57 pages) responsive to your request have been reviewed by this Agency as required by the FOIA and have been found to be currently and properly classified in accordance with Executive Order 12958, as amended. These documents meet the criteria for classification as set forth in Subparagraphs (c) and (g) of Section 1.4 and remain classified TOP SECRET and SECRET as provided in Section 1.2 of Executive Order 12958, as amended. The documents are classified because their disclosure could reasonably be expected to cause exceptionally grave damage to the national security. The information is exempt from automatic declassification in accordance with Section 3.3(b)(1), (3), (6), and (8) of E.O. 12958, as amended. Because the documents are currently and properly classified, they are exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552(b)(1)).

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. We have determined that such information exists in these documents. Accordingly, those portions are exempt from disclosure pursuant to the third exemption of the FOIA which provides for the withholding of information specifically protected from disclosure by statute.

The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 403-1(i); and Section 6, Public Law 86-36 (50 U.S. Code 402 note). No portion of the information is reasonably segregable.

We also located three copyrighted news articles (6 pages) containing information related to your request. Please be advised that copyright laws preclude us from duplicating this information. Copyright material is protected from release in accordance with 5 U.S.C. 552 (b)(4). This FOIA exemption protects trade secrets and commercial or financial information the release of which would: cause a company competitive harm; or prevent the government from obtaining similar information in the future.

Since your request has been denied, you are hereby advised of this Agency's appeal procedures. Any person notified of an adverse determination may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the initial denial. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Finally, records responsive to your request include documents originating with another government agency. Because we are unable to make determinations as to the releasability of the other agency's information, the subject documents have been referred to the appropriate agency for review and direct response to you.

Sincerely,



LOUIS F. GILES
Director of Policy

M/R: (U) **FULL DENIAL - REFERRAL**

(U) The attached letter responds to Peniel E. Joseph's FOIA request of 17 March 2007 for "information or records on Stokely Carmichael (also known as Kwame Ture) from the point that such records started to the time that they conclude." Mr. Joseph is an "all other" requester. He requests a fee waiver as an academic, noting that he is a historian and author working on a book.

(U//~~FOUO~~) Searched CTS using Peniel and Joseph in both first and last name position as well as in the subject line. There have been no previous requests from this requester. There have been a few requests in the past for specific documents concerning Stokely Carmichael. FOIA Case #13983 was a request for all such documents. Initially I requested a new ANCHORY search for this case to have updated results, since Case #13983's search was made in 2002. The new search only covered NSA product databases, per the 27 March 2007 legal opinion that collateral databases are not Agency records under the FOIA. The search in ANCHORY took less than two hours, so there are no fees associated with this request and we are not addressing his request for a fee waiver. The resulting reports are stored in the "ANCHORY Searches" shared file in I scanned a list of (b)(3)-P.L. 86-36 the responsive documents' serial numbers into the case. This list is also in the shared file.

(U//~~FOUO~~) I compared the new list of products to the list for Case #13983, and found that the earlier case included two additional NSA documents—one product report and one SIGINT summary. These were copied into the current case. Nine collateral documents responsive for Case #13983 were also copied into to this case. These include one press summary (RefID A2035880/DocID 3132028) which had been denied pursuant to FOIA exemption (b)(4) as copyrighted information. The other eight are State Department documents. One of these (RefID A2664103/DocID 3132132) is a diplomatic summary classified TOP SECRET TRINE with the caveat US Officials Only, which includes NSA information that had been deleted in Case #13983 pursuant to exemptions (b)(1) and (b)(3). The other State documents had no NSA information. As in the earlier case, we refer the eight documents to the State Department for direct response to the requester, and deny the press summary under the (b)(4) exemption.

(~~TS//SI//REL~~) A total of 35 NSA documents (57 pages) are responsive to the current case. They comprise 34 product reports—26 from NSA and

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20320108

~~TOP SECRET//COMINT//REL TO USA, AUS, CAN,
GBR, NZL//20320108~~

(b)(1)
(b)(3)-50 USC 403
(b)(3)-P.L. 86-36

FOIA Case: 52565

(b)(1)
(b)(3)-50 USC 403
(b)(3)-18 USC 798
(b)(3)-P.L. 86-36

[redacted] and 1 SIGINT summary. The information relates to specific
[redacted]

(U) The information in the documents is currently and properly classified and is fully exempt from disclosure pursuant to FOIA exemption (b)(1). In addition, the information is protected under the (b)(3) exemption of the FOIA that provides for the withholding of information specifically protected from release by statute. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 403-1(i); and Section 6, Public Law 86-36 (50 U.S. Code 402 note).

(U) We are providing the requester with a full denial letter, citing appropriate FOIA exemptions, and providing NSA appeal rights. We are informing the requester of the referral of some documents to another agency for direct response to him.

(U//~~FOUO~~)

[redacted]

DJ4, 963-5827, 17 April 2007

(b) (3) - P.L. 86-36

~~TOP SECRET//COMINT//REL TO USA, AUS, CAN,
GBR, NZL//20320108~~

"Comments" to FOIA Case 52565 (as requested under case 54025)

03/19/2007 (U) This will need a search estimate memo to Anchory. I can help you with this case if you want. We have other cases on this topic and there are docs in them, but I figure it's been a while and the search should be updated. Let's talk tomorrow (he does not qualify for academic)

03/20/2007 (U//~~FOUO~~) Searched delinquent file (neg). Searched CTS for prev reqs by or re requester (neg). A few requests re subject. Last req for "any and all info" on this subject was 13983 w/ ANCHORY search in 2002. New SCE memo sent to Anchory for updated results.

03/26/2007 (U//~~FOUO~~) ANCHORY has results. Documents sent to shared file, 37 products, 45 pages.

04/09/2007 (U//~~FOUO~~) Scanned list of serials into case. Drafted MR and response letter (FD).

04/10/2007 (U//~~FOUO~~) Fwd'd to MGS for review.

04/12/2007 (U) Rev'd and approved. Sent to FOIA Div Q

04/16/2007 (U) Back to Dave to reconcile with old case 13983.

04/16/2007 (U//~~FOUO~~) 8 State docs and 1 press summary dragged into docs, matching case 13983.

04/17/2007 (U//~~FOUO~~) Dragged in 1 add'l product and a SIGINT summary fm 13983, marked them DIF (b1, b3). Marked press doc DIF (b4). State docs to be referred. Edited MR and letter, drafted State referral letter.

04/17/2007 (U//~~FOUO~~) Fwd'd for review.

05/03/2007 (U) Approved and forwarded to DJ.

05/03/2007 (U) proofed and fixed spacing on referral and ok.

05/04/2007 (U) signed

05/04/2007 (U//~~FOUO~~) fwd'g again for signature on referral letter

05/04/2007 (U) reforwarded for referral signature.

05/08/2007 (U) signed

05/08/2007 (U//~~FOUO~~) response letter put in mail out.

05/08/2007 (U//~~FOUO~~) Lous' signature wasn't making it onto the referral letter. Had to copy it from the response letter to the referral letter (in his presence).

05/08/2007 (U//~~FOUO~~) referral put in mail out.

05/10/2007 (U//~~FOUO~~) referral redone, put in mail out

05/10/2007 (U//~~FOUO~~) case closed