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"Rummaging in the government's attic"

Description of document: **(Extract of) United States Department of State record re: Vice President Nixon's 1959 Trip to Russia and the use of Radiological detection equipment**

Requested date: 20-March-2002

Released date: 07-April-2008

Posted date: 21-July-2008

Dates of document: July-August 1959, April 1976, March 1977

Source of document: United States Department of State
Bureau of Diplomatic Security

Freedom of Information Act
Office of Information Programs and Services
A/ISS/IPS/RL
U. S. Department of State
Washington, D. C. 20522-8100
Fax: 202-261-8579

Notes: Request originally submitted to Department of Homeland Security (DHS) then forwarded to the Department of State

Note request and release dates

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United States Department of State

Washington, D.C. 20520

APR -7 2008

Re: Freedom of Information Act (FOIA) Case #200703682

Reference is made to your March 20, 2002, Freedom of Information Act request to the Department of Homeland Security (DHS) concerning Vice President Nixon's 1959 Trip to Russia and the use of Radiological detection equipment. DHS has referred one partial document to the Bureau of Diplomatic Security for review and direct response to you.

We have withheld portions of our material pursuant to the provisions of 5 USC 552 (b)(2).

Under the Department's regulations, you may appeal any denial of Department of State information to the Department's Appeals Review Panel. Appeals should be sent by certified mail to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/LC, SA-2, Room 8100, Department of State, Washington, DC 20522-8100. A copy of the Department's Appeals Procedures is enclosed.

If you have any questions regarding a particular aspect of this case, you should contact the Office of Information Programs and Services, (A/ISS/IPS). In any communication, please refer to the case number.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Mergens".

Stephen J. Mergens
Executive Director
Bureau of Diplomatic Security

Enclosures:

- Document
- Explanation of Exemptions
- Appeal Procedures

DECLASSIFIED

H1

7/29/59 or 7/30/59 At the guest dacha outside of Sverdlosk, I went for a walk in the woods with Vice Admiral and told him what we had found at Spaso House.

8/5/59 - We traveled on to Siberia, Novosibirsk, returned to Moscow for a few days then to Poland.

Returned to U.S.A.

Dept. of State, ISS/IPS, Margaret P. Grafeld, Dir.
(✓) Release () Excise () Deny (✓) Declassify
() Exemption (b)(), E.O. 12958, 25x() ()
() Declassify after DS (not) obtained
With concurrence Date 8/24/07
IPS by R.M. Gibson

Referred

4/28/76 - 10:30 a.m. Told Dr. Herb Pollack, Dr. William Watson and Bob Blair of the State Department Soviet Desk about Spaso House radiation in [DS-62] They said they were only aware of micro-wave radiation at Embassy beginning in [DS-62] They said they would check my story. A couple weeks later, I called Herb Pollack and he said they had found out about the Spaso House radiation.

3/77 - 9:30 a.m. I called and made an appointment with Dr. Herbert Pollack, State Department Medical Division, after reading about the \$400,000 grant to Johns Hopkins Hospital to interview all those U.S. Embassy personnel who had been exposed to the micro-wave radiation at the Embassy in Moscow. I went to his office and we sat down and I asked him if I could talk to the doctors doing the study.

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b2 O/E b7c

(USSS)

He became a little excited and said "No-No, I don't want you talking to them, you'll merely confuse them. You were exposed to massive dosages of a different kind of radiation." I then asked him what kind of radiation I had been exposed to and he said "You were exposed to ionized radiation."

I asked him what the soviets were using the energy for and how it was generated.

He said that the energy radiated from an atomic battery that they used to power radio transmitters used for bugging purposes.

I asked him where the soviets kept the battery. He said, "In the attic."

I mentioned that I had been there when it began radiating and when it stopped and I asked how they turned it off. He said they must have come and removed it.

I said I had been there all day and I didn't hear anyone in the attic.

I also asked him why the soviets didn't tap off the house power for their bugging transmitters as they did all over the Soviet Union. He said that the soviets couldn't do that because when you turned off the light switch on the wall, you would turn off the power to the transmitters.

Intelligence agencies had been briefed on detection of radiation after our return from U.S.S.R. He thought had filed a report.

State and Intelligence agencies had met prior to the U.S. President's visit and expressed concern about radiation. Dulles who had visited Moscow several times suddenly got ill and died of cancer - they thought there was a connection because other high U.S. officials in Moscow had also been exposed to the radiation and died of cancer. Their major concern about the U.S. President's visit to Moscow was that he might be exposed to the radiation.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552 (FOIA):

(b) (1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information, (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a (PA):

(b) No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains,

(d)(5) information compiled in reasonable anticipation of a civil action proceeding.

General Exemptions:

(j)(1) applies to CIA records and information provided by foreign governments;

(j)(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, except records of arrest.

Specific Exemptions:

(k)(1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal which did not result in loss of a right, benefit or privilege under Federal law, or which would identify a source under an express promise of confidentiality, or, prior to the effective date of this section, under an implied promise of confidentiality;

(k)(3) maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of Title 18;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suit ability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, the disclosure of such material would reveal the identity of a source under an express promise of confidentiality, or, prior to the effective date of this section, under an implied promise of confidentiality;

(k)(6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the testing or examination process; or

(k)(7) evaluation material used to determine potential for promotion in the armed services, the disclosure of such material would reveal the identity of a source under an express promise of confidentiality, or, prior to the effective date of this section, under an implied promise of confidentiality.

63934 Federal Register/Vol. 69, No. 212

Rules and Regulations

Subpart F – Appeal Procedures

§171.52 Appeal of denial of access to, declassification of, amendment of, accounting of disclosures of, or challenge to classification of records.

- (a) *Right of administrative appeal.* Except for records that have been reviewed and withheld within the past two years or are the subject of litigation, any requester whose request for access to records, declassification of records, amendment of records, accounting of disclosure of records, or any authorized holder of classified information whose classification challenge has been denied, has a right to appeal the denial to the Department's Appeals Review Panel. This appeal right includes the right to appeal the determination by the Department that no records responsive to an access request exist in Department files. Privacy Act appeals may be made only by the individual to whom the records pertain.
- (b) *Form of appeal.* There is no required form for an appeal. However, it is essential that the appeal contain a clear statement of the decision or determination by the Department being appealed. When possible, the appeal should include argumentation and documentation to support the appeal and to contest the bases for denial cited by the Department. The appeal should be sent to: Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/LC, U.S. Department of State, SA-2, Room 8100, Washington, DC 20522-8100.
- (c) *Time limits.* The appeal should be received within 60 days of the date of receipt by the requester of the Department's denial. The time limit for response to an appeal begins to run on the day that the appeal is received. The time limit (excluding Saturdays, Sundays, and legal public holidays) for agency decision on an administrative appeal is 20 days under the FOIA (which may be extended for up to an additional 10 days in unusual circumstances) and 30 days under the Privacy Act (which the Panel may extend an additional 30 days for good cause shown). The Panel shall decide mandatory declassification review appeals as promptly as possible.
- (d) *Notification to appellant.* The Chairman of the Appeals Review Panel shall notify the appellant in writing of the Panel's decision on the appeal. When the decision is to uphold the denial, the Chairman shall include in his notification the reasons therefore. The appellant shall be advised that the decision of the Panel represents the final decision of the Department and of the right to seek judicial review of the Panel's decision, when applicable. In mandatory declassification review appeals, the Panel shall advise the requester of the right to appeal the decision to the Interagency Security Classification Appeals Panel under §3.5(d) of E.O. 12958.