

3. I reviewed the aforementioned document and noted items that required redaction before the document could be released to the public. The redactions noted in the "Talking Points for Gen Clapper" protect sensitive methodology that, if released, would jeopardize current and future accounting capabilities. This information was properly classified SECRET in accordance with Executive Order 12958, as amended, Section 1.4 (c), concerning intelligence activities (including special activities), intelligence sources or methods and Section 1.4 (d), concerning foreign relations or foreign activities of the United States, including confidential sources and remains properly classified in accordance with Executive Order 12958, Section 1.4 (c), concerning sources and methods, and therefore is exempt from release pursuant to 5 U.S.C. § 552(b)(1).

4. The aforementioned document was originally classified by a person who had the authority as an Original Classification Authority. The Original Classification Authority determined that the document contained methods under Section 1.4(c) of E.O. 12958 and unauthorized disclosure of the document could reasonably be expected to result in damage to national security. The information redacted remains a sensitive method used by the U.S. Government to obtain information. If publicly released, this information would pose grave risk to US intelligence efforts because the dissemination would provide our enemies with U.S. Armed Forces current sensitive methods.


5. After careful review of these documents, I have determined not to provide the Plaintiffs their requested information for the reasons stated in Paragraphs 3 and 4 above.

6. In conjunction with the exclusion cited above, and as the DPMO Initial Denial Authority, I have determined that other FOIA exemptions also apply. Therefore, redactions were made under the following statutory exemptions:

- a. FOIA Exemption 1, found at 5 U.S.C. § 552(b)(1) and Executive Order 12958, as amended, Section 1.4(c) exempts from release information properly classified Secret in accordance with DoD 5200.1-R, intelligence activities (including special activities), intelligence sources or methods properly classified Secret that were redacted or withheld under this exemption.
- b. FOIA Exemption 1, found at 5 U.S.C. § 552(b)(1) and Executive Order 12958, as amended, Section 1.4(d) exempts from release information properly classified Secret in accordance with DoD 5200.1-R, foreign relations or foreign activities of the United States, including confidential sources.
- c. FOIA Exemption 3, found at 5 U.S.C. § 552(b)(3), specifically, 10 U.S.C. 130b, exempts from release personal identifying information including the names of DoD personnel in overseas, sensitive, or routinely deployable units.
- d. FOIA Exemption 6, found at 5 U.S.C. § 552(b)(6), exempts personal information contained in records, as well as information of personnel who are serving overseas or in routinely deployable or sensitive units. Segments of text containing information that would clearly invade personal privacy without serving the public interest were redacted under this exemption.

7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 9th day of August 2010, at Arlington, Virginia.


ROLAND D. FISDALE
Deputy Director, Declass/FOIA Div
Defense POW/Missing
Personnel Office