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bj496@Cleveland.Freenet.Edu.

NEON AZIMUTH #2 - U.S. government documents - July 17, 1994

This issue of the NEON AZIMUTH focuses on my own specialty area -- how and where to find U.S. government and military documents. You can find documents at depository libraries, purchase them, or try to obtain them under the Freedom of Information Act (FOIA). I have either read or obtained thousands of pages of documents. The "leaks" that I have seen that have revealed a lot about how the U.S. military actually operates.

First stop - a good library

Given the size of the national security system in the U.S., the number of documents that is produced is staggering. With the exception of Vice President Gore's "National Performance Review", you won't find government documents at your local mall bookstore. I recommend that you start your search through government documents at a federal documents depository library. These are typically located at large university libraries. Examples of federal document depositories include the University of Nevada at Las Vegas (UNLV) and San Diego State University, CA. Along with federal documents, these places also include state & local government documents. While the stacks will contain a number of publications, you should also be aware that there are more documents that exist only on microfiche.

Government documents use an alphabetical cataloging system. The catalog number starts with a letter, followed by a combination of letters and digits. (Note: the document cataloging system is different from the similar Library of Congress system). Some of the more useful categories are:

D - Department of Defense documents

E - Department of Energy documents (such as nuclear policy)

PrEx - Office of the President (includes the CIA)

Y - Congressional documents. For example, Y 4 Ar is used by the House Armed Services Committee.

Usually, there are charts on the walls of the stack area listing various cataloging numbers. You can find out a lot just by browsing through documents. You will probably also want to talk to the reference librarian who can help you find what you are searching for.

There are also resources available on the Internet for dealing with government documents. There is an electronic catalog available of documents produced by the Government Printing Office (GPO). This electronic catalog is provided by the Colorado Alliance of Research Libraries (CARL). To use this catalog, telnet to pac.carl.org (IP address 192.54.81.18) or carl.lib.asu.edu (IP address 129.219.10.8). Login as carl -- the preferred terminal emulation is vt100. For example, if you wanted to find the Congressional hearing held

on the Navy's failed A-12 Stealth aircraft, you could find the report at your local document depository with the following entry (from CARL):

AUTHOR(s): United States. Congress. House. Committee on Government Operations. Legislation and National Security Subcommittee.

TITLE(s): Oversight hearing on the A-12 Navy aircraft : hearings before the Legislation and National Security Subcommittee of the Committee on Government Operations, House of Representatives, One Hundred Second Congress, first session, April 11 and July 24, 1991.

iii, 276 p. : ill. ; 24 cm.

Distributed to some depository libraries in microfiche.

Includes bibliographical references.

Item 1016-A, 1016-B (MF); class:yl/cat:jb CORRECTED CARDS

OTHER ENTRIES: United States. Navy Procurement.

A-12 (Jet attack plane)

Attack planes United States.

CALL #: Y 4.G 74/7:N 22/6 LIBRARY: DPL CU US

<the CALL # is where you will find this document on the shelf or on microfiche>

Another Internet resource is mailing list GOVDOC-L, which is read by a number of librarians. To subscribe, send an electronic mail message to:

listserv@psuvm.psu.edu

In the body of the message, include this line:

subscribe GOVDOC-L

You will receive information on how to send messages to the mailing list, and how to use the server at psuvm.psu.edu to search back issues of GOVDOC-L.

Buying documents

The 2 main sources of documents for sale are the U.S. Government Printing Office (GPO), and the National Technical Information Service (NTIS, part of the Department of Commerce). GPO has an inventory of thousands of documents, while NTIS has millions of obscure government documents available, because they normally print copies from microfiche. Both GPO and NTIS sell by mail order to the United States and foreign countries.

The Superintendent of Documents at GPO issues the Monthly Catalog ("MoCat" to the librarian) of GPO titles released. Some of the publications can be purchased directly through the Superintendent of Documents, and some have to be requested from various government agencies. GPO also issues a series of Subject Bibliographies on various topics such as "Space" or "National Security", that highlight various GPO offerings. In large cities, such as Los Angeles, Chicago, and New York, GPO operates bookstores that carry a number of GPO titles.

It is more difficult to find materials through NTIS, but the results are quite worthwhile. I have obtained such exotic items as an Air Force technical report on building a powerful, portable EMP generator (37.5 kilojoule pulses), the National Security Agency "COMSEC supplement", which describes cryptographic procedures for defense contractors, and several NASA design documents for hypersonic reconnaissance aircraft, through NTIS. (Readers who are unfamiliar

with EMP (Electromagnetic Pulse) weapons might want to consult the book "Information Warfare" by Winn Schwartau, 1994). It should also be noted that NTIS is not merely a source for military information, but a vast storehouse of scientific & engineering information that sells both documents and computer software, from government research projects.

There are several commercial database providers, such as BRS (phone: (800) 456-7248 and (703) 442-0900) or DIALOG (phone: (800) 334-2564), that I have used to locate NTIS items. You can also request searches and assistance through NTIS directly, by phoning (703) 487-4929 or by writing to:

Department of Commerce
National Technical Information Service
Springfield, VA 22161
USA

Ask for their free "Catalog of Products and Services" and PR-360-3 (U.S. NTIS prices) or PR-360-4 (foreign NTIS prices). The catalog also lists foreign sales agents for NTIS materials.

NTIS also offers online access (but not database searching) and gateway access to a number of government bulletin boards, through Internet and dial-up modem to a bulletin board system they operate called Fedworld. Internet users can telnet to fedworld.gov (IP address 192.239.92.201). Dial-up asynchronous modem access is available by calling (703) 321-8020. Speeds up to 9600 bps are supported, and you should set your communications software for 8 data bits, no parity, and 1 stop bit (8N1). New users should sign-on as "new". There are a couple of files in the file area I recommend downloading, as a start to learning how to use NTIS resources. Download P&SCAT.TXT (the ASCII text of the "Catalog of Products and Services" mentioned above) or P&SCAT.ZIP (PKZIPped version) and NTIS.LST (a list of NTIS files).

The Freedom of Information Act (FOIA)

FOIA allows you to request documents directly from government agencies, including classified materials. Please be aware that to effectively use the Freedom of Information Act, you should be prepared to do some legal research. In the past year, I have learned (through experience) how to deal with various FOIA offices in the defense establishment.

Background: the U.S. has different parts of the federal law. There is the United State Code (U.S.C.) that contains laws created by Congress, the Code of Federal Regulations (C.F.R.), which are regulations issued by various Executive branch agencies, such as the Department of Defense or the Central Intelligence Agency, the Constitution, and Executive Orders and Directives issued by the President. To provide a means of holding Executive branch agencies, such as the Department of Defense, accountable to the American public, Congress passed the Freedom of Information Act in 1966. Significant amendments were added in 1974, and also the Privacy Act was passed in 1974, giving people the right to see the files the government maintains on them. In 1982, President Reagan issued Executive Order 12356, which tried to rigidly control "national security information". It did away with President Carter's "balancing" test that required that classified information be released if it served the public interest and increased knowledge of how the U.S. government operated (see E.O. 12065). At the present time, President

Clinton is studying changing the repressive Executive Order that Reagan released, but there has been no official release of a new Executive Order so far.

If you wish to read the Freedom of Information Act, it is Title 5 of the United States Code, Section 552. The citation that lawyers use is 5 U.S.C. s552, where the "s" represents the section mark character, a kind of mutated letter "S". (For instance, Macintosh word processing software allows you to enter this character by typing option-6). It was left to individual agencies to set FOIA procedures, which are generally described in Title 32 of the Code of Federal Regulations (32 C.F.R.) for military components. I strongly urge that you at least read the appropriate sections of the C.F.R. listed below, before filing FOIA requests with a particular agency. This will give you information as to the fees charged or waived, procedures for you to follow, where to write, etc. I have provided a list of addresses of national security components below and the sections of C.F.R., which you should read before filing a FOIA request.

The biggest key to requesting documents under the FOIA is to specify as much information that will help locate the records that you seek. Example: You probably will get the response "no records were found" if you ask the Air Force for information on the latest Stealth aircraft. On the other hand, if you ask for a descriptive summary of Program Element 0401316F, code-named SENIOR CITIZEN, you will get a surly denial of your request because the material is classified. (See below for FOIA appeals information).

The FOIA process involves filing a request, either having your request granted or denied, filing an administrative appeal if necessary, and if that doesn't work, filing a legal suit in Federal district court. Typically, an agency will specify how much information it will give you for free, for example stating that there are no fees for less than 100 pages that are copied, or less than 2 hours search time for a document. Foreign readers should be aware that there may be substantial fees charged to them by the U.S. government.

You should be aware that if you request classified information, most government agencies will deny your request under 5 U.S.C. 552(b)(1), which allows them to exempt "properly classified" material from release. Never take "No!" for an answer if someone denies your FOIA request for classified material!! Because FOIA appeals are a complex subject, they won't be covered in much detail here. Basically, you will need to do legal research for your appeal. Try to find anything you can go after the agency with, such as failure to follow its own written procedures, violations of federal law, or federal court cases where the agency's policy has been repudiated. For example, you may see the phrase "your request was denied because there are no reasonably segregable portions of the document you have requested." In fact, there have been federal court cases where the courts have ruled that even classified documents can not be "denied by document". (i.e., *Ray v. Turner*, 587 F.2d 1187, 1197 (D.C. Cir. 1978)). A particularly unpleasant thing you can do to the bureaucrats who denied your FOIA request is to file a mandatory declassification review request for the denied document, under authority of Section 3.4(a) of Executive Order 12356. (Note: this can only be done by U.S. citizens or people with permanent resident alien status (having a "green card" in the U.S.)). The procedures for doing this to any part of the Department of Defense are specified in 32 C.F.R. 159a.26.

There are additional sources of information on FOIA. The American Civil

Liberties Union (ACLU) has produced a small book called "Your Right to Government Information". If you write to me, I may be able to provide some free assistance on FOIA matters. Please keep in mind that I am an engineer, not a lawyer, though. A good reference if you want to pursue the legal aspects of FOIA is the guide used by Department of Justice lawyers, "Freedom of Information Act Guide and Privacy Act Overview". This is issued once a year - my copy is the September 1993 edition. It is available for \$21.00 (US) or \$26.25 (foreign), stock number 027-000-01351-1, from:

U.S. Government Printing Office
Superintendent of Documents
Mail Stop: SSOP
Washington, DC 20402-9328
USA

<Checks should be made payable to "Superintendent of Documents">

Also, I have some materials on FOIA available by anonymous Internet FTP on host ftp.shell.portal.com in the directory /pub/trader/FOIA . This directory includes items like the "Citizen's Guide to FOIA", issued by the U.S. Congress.

Sample FOIA request letter

<date>

<FOIA contact>
<military agency>
<address line 1>
<address line 2>

This is a request under the Freedom of Information Act, 5 U.S.C. 552. You are also subject to Department of Defense FOIA regulations, as defined in 32 C.F.R. 285 and 286, and <military agency> FOIA regulations, as defined in <appropriate part of C.F.R.>.

Under the Freedom of Information Act, I request a copy of <describe what you are after>.

Your attention is called to <appropriate sub-sections of C.F.R.> which require that you provide all reasonably segregable parts of the requested documents. I request that excised material be "blacked out" rather than "whited out" or cut out. If these documents are denied in whole or in part, please specify which exemptions are claimed for each passage or whole document denied, and a detailed factual justification for any denials. For classified material that is denied, please include the following information:

- o any special handling requirements, such as LIMDIS (Limited Dissemination).
- o identity of the classifier.
- o date or event for automatic declassification, classification review, or downgrading of classification level.
- o if applicable, the reason for extended classification.

Since release of this information is in the public interest, I request a waiver of fees because <specify a good public interest reason>. However, I am willing to pay up to <your fee limit> in FOIA fees to fulfill this request.

Sincerely,

<signature>

<your name>

<address line 1>

<address line 2>

<also, you should mark the lower left corner of your envelope with the phrase FREEDOM OF INFORMATION ACT REQUEST>

FOIA office addresses and applicable parts of the C.F.R.

The following is a partial list of agencies that are components of the Department of Defense (DOD), and thus are subject to DOD FOIA regulations in 32 C.F.R. 285 and 286. Some components of the DOD, such as the Advanced Research Projects Agency (ARPA) are handled directly by the DOD FOIA office. These addresses are for headquarters of the agencies -- you should write to the Commanding Officer of a particular military installation if you know where a record is located.

I have also listed applicable parts of the C.F.R., such as 32 C.F.R. 806 for the Air Force. To find things in the Code of Federal Regulations, there will be a separate volume called "CFR Index and Finding Aids", next to the C.F.R. in your library. You should also check the "List of CFR Sections Affected" to see if a recent regulation on FOIA has been created or changed. If there is a new regulation, the section of the Federal Register where it can be found will also be listed.

<Air Force - 32 C.F.R. 806>
Secretary of the Air Force
SAF/AAIS (FOIA)
1620 Air Force Pentagon
Washington, DC 20330-1620

<Army - 32 C.F.R. 518>
Chief, Freedom of Information and Privacy Act Division
U.S. Army Information Systems Command - Pentagon
Washington, DC 20310-3010

<Defense Information Systems Agency (DISA) - 32 C.F.R. 287>
Defense Information Systems Agency
Attention: Code ADA
701 S. Courthouse Road
Arlington, VA 22204-2199

<Defense Intelligence Agency (DIA) - 32 C.F.R. 292>
Defense Intelligence Agency
ATTN: DSP-1A (FOIA)
Washington, DC 20340-3299

<Defense Mapping Agency (DMA) - 32 C.F.R. 293>

Director, Public Affairs
Defense Mapping Agency
8613 Lee Highway
Fairfax, VA 22031-2137

<Defense Nuclear Agency (DNA) - 32 C.F.R. 291>
Public Affairs Officer
Defense Nuclear Agency
Attention: FOIA
6801 Telegraph Road
Alexandria, VA 20324-1700

<Department of Defense FOIA office - OASD(PA)>
Office of the Assistant to the Secretary of Defense for Public Affairs
Directorate for Freedom of Information and Security Review
Room 2C757
1400 Defense Pentagon
Washington, DC 20301-1400

<Marine Corps - 32 C.F.R. 701 ?>
Freedom of Information and Privacy Act Office
Code MI-3
HQMC, Room 4327
Washington, DC 20308-0001

<National Reconnaissance Office (NRO) - 32 C.F.R. 296>
Director
External Relations
National Reconnaissance Office
1040 Defense Pentagon
Washington, DC 20301-1040

<National Security Agency (NSA) - 32 C.F.R. 299>
National Security Agency
Chief, Information Policy Division
ATTN: Q-43
Ft. George G. Meade, MD 20755-6000

<Navy - 32 C.F.R. 701>
Chief of Naval Operations
(code OP-09B30)
Department of the Navy
The Pentagon
Washington, DC 20350-2000

Some additional FOIA offices outside of the Department of Defense are:

<Central Intelligence Agency (CIA) - 32 C.F.R. 1900>
<mandatory declassification requests to the CIA should cite 32 C.F.R. 1900.35>
<NOTE: in addition to claiming exemptions under 5 U.S.C. 552(b)(1), the CIA
can claim exemptions under 5 U.S.C. 552(b)(3), and cite specific laws
forbidding their agency from releasing information on intelligence sources and
methods, such as 50 U.S.C. 403(d)(3) and 50 U.S.C. 403g>

Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

<Department of Energy (DOE) FOIA office - 10 C.F.R. 1004>
<mandatory declassification requests to DOE should cite 10 C.F.R. 1045.6>
<NOTE: in addition to claiming exemptions under 5 U.S.C. 552(b)(1), DOE
can claim exemptions under 5 U.S.C. 552(b)(3), and cite specific laws
forbidding their agency from releasing information, such as the Atomic
Energy Act of 1954 (as amended) 42 U.S.C. 2011 et seq>

Headquarters

FOIA Officer, Department of Energy
Washington, DC 20585

<Department of Energy (DOE) Nevada operations>

Nevada Operations Office

FOIA Officer, Department of Energy

P.O. Box 98518

Las Vegas, NV 89193-8518

Paul McGinnis / TRADER@cup.portal.com / trader@shell.portal.com
PaulMcG@aol.com / 76056.201@compuserve.com

About Project NEON AZIMUTH

NEON AZIMUTH is the code-name of a project I've created to provide information on the "sources and methods" that can be used to learn about secret U.S. military programs. I realize the risk I am taking by publicizing this information -- the U.S. government could decide to close off these sources. Why am I providing this information? The American taxpayers have a right to know where their money is being spent, and the "sources and methods" given in NEON AZIMUTH can help locate secret U.S. military programs.

Subscription requests for NEON AZIMUTH and comments on the material can be sent to me by electronic mail to:

TRADER@cup.portal.com

Or, if you have printed material you would like me to post, you can send it by postal mail to:

Paul McGinnis

P.O. Box 28084

Santa Ana, CA 92799

USA

Anonymous FTP access to files dealing with excessive military secrecy is available from Internet host ftp.shell.portal.com (IP address 156.151.3.4) in the /pub/trader directory. Read the 00readme files for descriptions of the files.

Back issues of NEON AZIMUTH are available from host ftp.shell.portal.com in the directory:

/pub/trader/secrecy/neon-azimuth

If you have really sensitive material you want to pass on to me, here is my
PGP public encryption key:

-----BEGIN PGP PUBLIC KEY BLOCK-----

Version: 2.6

```
mQCNAiwky3cAAAEALSQbStQ0KUqh0MI/+SoqvsBmJkdsCG/kb7svjf9LFwkjd4f
gXHnuaITkDKoLuy69CmUbuc2dyBStO6vcoP55VvEPLmQ7NFP/LOs84UXCNw9wkLi
imGqhBHtWZthSAzORlIFd5ED57dkF/pGu2gcfdwf7y0B0NjBmrxE/cKk9YdAAUR
tCVQYXVsIE1jR2lubmlzIDxUUKFERVJAY3VwLnBvcnRhbC5jb20+
=nOwT
```

-----END PGP PUBLIC KEY BLOCK-----

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Protection of
Individual Rights and Liberties. E-mail bj496@Cleveland.Freenet.Edu)