

AMERICAN CIVIL LIBERTIES UNION FOUNDATION
NATIONAL SECURITY PROJECT
122 MARYLAND AVENUE, N.E.
WASHINGTON, D.C. 20002

(202) 544-5388

MARK H. LYNCH
SUSAN W. SHAFFER
Staff Counsel

January 16, 1984

General Lincoln Faurer
Director
National Security Agency
Fort George G. Meade, Maryland 20755

Dear General Faurer:

I am writing on behalf of my clients, the American Library Association, the District of Columbia Library Association, the American Historical Association, the Organization of American Historians, and Jay Peterzell who is a researcher at the Center for National Security Studies. All of these parties seek access to all documents in the William F. Friedman collection at the George C. Marshall Library which at any time have been available for public inspection at the library.

On May 31 and June 1, 1983, Mr. Peterzell went to the Marshall Library and requested access to documents in the Friedman collection which had been withdrawn from the publicly available portion of the collection. Library officials informed Mr. Peterzell that the documents had been withdrawn at the direction of NSA officials, that the library is bound by NSA's directions, and that the library cannot release the withdrawn documents to members of the public without NSA's consent.

In the time which has elapsed since Mr. Peterzell went to the Marshall Library, my other clients have determined that they, as organizations and on behalf of their members, also seek access to the documents that have been withdrawn from the public portion of the Friedman collection. On January 5, 1984, Mr. Peterzell telephoned the Marshall Library to inquire whether any of the withdrawn documents have been returned to the public collection, and he was informed that there has been no change in the status of the documents since his visit to the library.

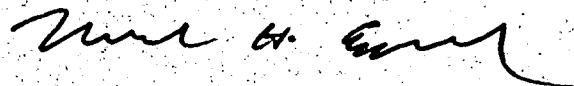
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It is our position that NSA lacks legal authority to direct a private library to withdraw documents such as those contained in the Friedman collection from public access, particularly where the documents have been available to the public for a substantial period of time, and that such a direction violates the First Amendment rights of my clients and other members of the public who seek access to these documents. Accordingly, we request that you withdraw NSA's direction that the Marshall Library must withdraw from public access documents in the Friedman collection which at any time have been available to the public. We also request that you respond to this request within ten days.

Thank you for your attention to this matter.

Sincerely,



Mark H. Lynch

ML/skh

cc: Mr. Jon Anderson
General Counsel