



# FEDERATION OF AMERICAN SCIENTISTS

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- \* Herbert F. York

\* Nobel Laureate

March 24, 2009  
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Dear ODNI FOIA Officer:

This is a request under the Freedom of Information Act, as amended, on behalf of the Federation of American Scientists.

I request a copy of documents that indicate the total budget appropriation for the National Intelligence Program for Fiscal Year 2006.

A previous request of mine for the same information has already been denied on appeal and is now ripe for judicial review. (ODNI case number DF-2006-00004).

However, there are two new developments that I thought might lead ODNI to reconsider its position on the matter.

1. The Attorney General issued new FOIA Guidelines on March 19 that "strongly encourage agencies to make discretionary disclosures of information" even when the information in question may be technically exempt from disclosure.
2. The DNI has stated: "I believe the annual disclosure of the aggregate intelligence appropriation, as required by law, should continue. It has not, to my knowledge, caused harm to the national security, and provides important information to the American public." (Additional Prehearing Questions for Dennis C. Blair Upon Nomination to be Director of National Intelligence, Senate Select Committee on Intelligence, January 2009, Question 35C.)

Given these recent developments, it seems questionable both that the Justice Department would defend the continued denial under FOIA of the 2006 NIP budget total, and that the DNI would supply a sworn declaration to a federal court to try to justify the withholding of this information.

In any case, I request your reconsideration.

I hereby agree to pay reasonable assessable fees, if any, for producing the requested information.

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I will not seek judicial review of this matter for at least 60 days from the date of this request.

Thank you for your assistance.

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