

Diane Roark, *pro se*
2000 N. Scenic View Dr.
Stayton, Oregon 97383
gardenofeden@wvi.com
(503) 767-2490

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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

DIANE ROARK,

Case No.: 6:12-CV-01354-MC

Plaintiff,

v.

UNITED STATES OF AMERICA,

**PLAINTIFF'S REPLY BRIEF TO
DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION TO UNSEAL
DOCUMENTS**

Defendant.

Plaintiff Diane Roark, *pro se*, submits this reply to Defendant's response to her motion to unseal. Plaintiff certifies that she attempted repeatedly in good faith throughout this 41(g) case to elicit government answers regarding the four issues critical to Defendant's motion for summary judgment moved by Defendant and covered in her motion to compel. Defendant ignored the issues, and any answers were incomplete or evasive.

It also is unlikely that the lead attorney has high-level security clearances, and thus lacks the ability to get complete answers from clients. There was no delay in Court proceedings to allow time for an AUSA background investigation, as there was in the related Maryland case. The local AUSA sometimes seems at pains to distinguish his own knowledge from that of his clients. For example, a statement that "undersigned counsel" is unaware of any records falling within the scope of this motion

to unseal (Defendant Response, p. 1) explicitly does not account for the knowledge of at least six participating client lawyers and their agencies. Not granting appropriate clearances may be useful to clients because it allows the AUSA to make personally truthful but potentially misleading or inaccurate replies. It has appeared that the AUSA often could not be responsive even should he so desire.

In a February 11, 2015 teleconference with the Court and Defendant, Plaintiff observed that Defendant would neither confirm nor deny specific key issues, and Plaintiff ultimately mentioned the possibility of a motion. It then appeared that this case would be decided by summary judgment rather than going through discovery, although Plaintiff had stated in her cross-motion for partial summary judgment that she believed discovery might be needed for some issues, notably illegal search. Plaintiff therefore soon submitted a motion to compel production of documents and answers pertaining to the four critical issues, which would not be difficult to answer or require lengthy and formal discovery.

Plaintiff followed up with a motion to unseal all searches targeting her over the past 15 years, to support one of the four items in her prior motion, and to ascertain other apparent violations of her rights. Plaintiff's experience since 2012 indicates the government will withhold information embarrassing to the government unless there is a motion to unseal.

Because Rule 41(g) establishes the relevance of illegal search to return of documents, and due to proven monitoring and apparent obstruction of Plaintiff's court preparations, Plaintiff has standing within this case to request unsealing of search documents. A move to unseal at this point is justified, timely, appropriate, and in the interest of both justice and judicial economy.

Comparing the Maryland case. In responding to the motion to unseal, Defendant has once again cited the related Maryland 41(g) case of *Wiebe et al. v. NSA et al.* as the prescribed model for settling this case. In *Wiebe*, the four Plaintiffs submitted three separate motions to unseal the affidavits justifying warrants to search their homes. Although the affidavits had no bearing on the outcome of the

41(g) property case, the motions were granted.¹ Plaintiff's case for unsealing is stronger because suspected searches are tied directly to the instant case, including lengthy electronic monitoring and brazen interference with computer operations and legal work.

With respect to return of property, factual evidence presented in Plaintiff's case far exceeds that which was available during the *Wiebe* case. Therefore, it would be inappropriate to impose a similar decision.

- *Unnotified surreptitious search.* The government finally admitted that it possesses papers from Plaintiff's home that can meet the search warrant description of "documents with headers and footers removed," and three such papers were returned to Plaintiff. This further verified that there had been a prior unnotified search of her home, that is illegal under multiple Ninth Circuit rulings. Everything that followed therefrom is "fruit of the poisonous tree," including seizure of Plaintiff's property, raids of Plaintiff correspondents and spurious indictment of Thomas Drake.
- *Two searches violating warrant particularity.* Maryland plaintiffs objected fruitlessly to additional searches of their paper and electronic documents after the criminal case ended, but did not protest that it violated the Fourth Amendment requirement for particularity. In the instant case, NSA conducted not one but two additional searches using key words different from the criminal search. This was for the sole purpose of finding paper and electronic documents that it might wish to retain. NSA also conducted another and different key word search when requested to do so by the House Intelligence Committee, to find documents that the Committee might wish to retain. These searches could not have been executed legally at Plaintiff's residence, and were done simply to take advantage of the fact that Plaintiff's property was in NSA's possession due to a misguided criminal investigation. Both searches clearly violate the

¹ Response to Thomas Drake's motion revealed that his affidavit had been previously unsealed but had not been given to him by the prosecutor.

Fourth Amendment requirement for particularity and the limitations set forth in the warrant. On this basis alone, Defendants should not be allowed to review computer search results and should return all of Plaintiff's property except that which she voluntarily offered them.

- *Plaintiff's right to possess unclassified documents.* Unclassified documents comprise all but a few of the total papers seized in the Maryland case and of those likely to be claimed by NSA and HPSCI in this case. Plaintiff has amassed considerable evidence beyond that found by Maryland litigants, showing that most government's claims of authority to seize unclassified papers are false.
 1. Copious, mutually supporting and unrefuted evidence from the original legislative record proved that under the *NSA, Act of 1959* only employee information deemed sensitive was covered by the law, not other unclassified information.
 2. The Maryland court's decision that the government maintained a “*continuing interest*” in unclassified information of its choosing, *despite any illegal search*, was based on NSA's improper representation of this law. NSA thus maintains no statutory continuing interest in unclassified material other than personnel information deemed sensitive. Further, the legal precedent for the “continuing interest” theory is thin, based on a single Sixth Circuit decision that neither the Maryland Fourth Circuit courts nor this Ninth Circuit need follow. With the argument for “continuing interest” in shreds, illegal search becomes central to this case and justifies the motion to compel production of documents and the motion to unseal.
 3. Unlike for plaintiffs in *Wiebe*, this Plaintiff's last and controlling *Nondisclosure Agreement* did not restrict publication or possession of unclassified materials. HPSCI finally stated in answering Plaintiff's motion to compel that it does not have the copy that Plaintiff signed [this may have been provided to federal investigators], but still avoids addressing whether it

has identical agreements that were signed by the rest of the staff.

4. In any case, a more restrictive *NDL* might permit censoring *publication* of unclassified material, but does not restrict its *possession*. HPSCI's contention otherwise was unsupported by evidence, and Plaintiff proved that there were no governing regulations for FOUO material.
 5. Plaintiff also proved that NSA is untruthful in denying that its security policy since at least 2000 has permitted employees and former officials such as Plaintiff to take employee and retiree identity and other *NSA FOUO information to their homes*. Previously footnoted evidence in this respect is partially reproduced at Attachments A and B. The NSA Newsletter at Attachment A was published on the NSA website pursuant to a Freedom of Information Act submission – although NSA has claimed to the Court that it is not subject to FOIA. The Newsletter was *never stamped as For Official Use Only*. A small box on the lower left hand corner of the original page 4 contains NSA's security policy and other pages contain much information on NSA employees/retirees. Attachment B, printed from the website of an NSA retiree organization with which the Agency cooperates, reveals that the names and contact information for NSA retirees are freely exchanged electronically among enrolled retiree members. The now-electronic newsletter from this organization also names both current employees and retirees. NSA stated within this case that its security policies protecting retiree and employee names are identical.
- *Redaction* was not addressed in the Maryland opinion. When challenged in this case, the Defendant presented no evidence that it is authorized to withhold entire documents rather than minimally redacting the supposedly classified information or employee names, as required under the Freedom of Information Act (FOIA). Absent contrary evidence produced by the

Motion to compel, the presumption should be that NSA is subject to FOIA.

- *Unreliable NSA classifications.* Plaintiff has proven, and has offered to produce additional evidence, that in the related Maryland case, NSA twice released as Unclassified a document on Plaintiff's computer that NSA now claims is TS/SCI, an alleged classification that NSA then cited to argue that it need not return Plaintiff's hard drive. NSA has replied that it is unable to confirm or refute this evidence. This wide disparity in classifications of the same paper and the agency's failure to describe and document its classification and declassification decisions to promote consistency again (as in the Drake case) throw into disrepute the probity, reliability and motivation of NSA's classifications. In this Drake-related case, the Court likewise has particular reason to scrutinize closely any claims of national security interest. "The District Court cannot abdicate its responsibility to ...determine whether filings should be made available to the public. It certainly should not turn this function over to the parties." *Proctor & Gamble Co. v. Banker's Trust Co.*, 78 F.3d 219, 227 (6th Cir. 1996). [W]e are equally troubled by the notion that the judiciary should abdicate its decisionmaking responsibility to the executive branch whenever national security concerns are present." *In re Washington Post Co.*, 807 F.2d 383, 391 (4th Cir. 1986) (vacating sealing order).

These important facts did not pertain or were unavailable to the Maryland court deciding *Wiebe*. All of them favor the Plaintiff, and many might have changed the Maryland decision. The motions to compel and unseal would provide more information if such is desired, and the motion to unseal is amply justified on additional grounds. Given the wealth of supplemental evidence in this case, it would be unjust simply to apply the Maryland decision because the present case is historically related to that case, particularly since this circuit is not obliged to do so in any event.

Unsealing Electronic Interceptions. In *Katz v. U. S.* (389 U.S. 347 (1967), p. 353), Fourth

Amendment protections against seizure of tangible items and physical trespass without warrant were applied also to recording of oral statements without any technical trespass. The 7-1 ruling extended Fourth Amendment protection to all areas where a person has a “reasonable expectation of privacy.” “Search” was defined as including immaterial intrusion with technology. Regardless of location, a conversation is protected from “unreasonable” search and seizure under the Fourth Amendment if it is made with a “reasonable expectation of privacy.” A “right to privacy” was discussed.

Berger v. New York (388 U.S. 41 (1967)) invalidated a New York Law on its face because it did not provide for notice to the person surveilled, justification for secrecy, particularity in communications sought or a return on the warrant providing accountability to a judge for the evidence gathered. The Court held that conversations are protected by the Fourth Amendment and that use of electronic devices to capture conversations thus constitutes a “search.”

In the “Keith” case, the Supreme Court upheld, 8-0, lower courts' decisions that the Fourth Amendment requires a warrant to conduct domestic electronic surveillance, and that there is no exception when targeting a domestic security threat. *U.S. v. U.S. District Court* 407 U.S. 297 (1972). As in *Berger v New York*, the Court also required the government to disclose its surveillance to the defense. The opinion addresses issues prominent in Plaintiff's case:

These seminal Supreme Court cases provide ample legal basis for Plaintiff's motion to unseal. All electronic searches, including those in domestic security cases, require a warrant and related Fourth Amendment protections. Any electronic searches lacking a warrant are illegal. Electronic searches must be disclosed to the person surveilled.

There is no issue that such disclosures would reveal sensitive law enforcement methods, except illegal or embarrassing activities. The Department of Justice has published online its 228-page manual for prosecutors that reveals the techniques used, the circumstances in which they can

be used, and even the application forms.² The methods were also revealed in legal cases such as widely publicized operations targeting Wall Street insider traders and the constitutional lawsuit brought by Brandon Mayfield, who was wrongly jailed in Oregon for suspected terrorism.

U.S. v. Wen Ho Lee, C.R., No. 990-1417 JP (D. New Mex., October 04, 2001), *Memorandum Opinion and Order Unsealing Documents*, a case with striking similarities to those of Plaintiff and her Maryland associates, notably Thomas Drake.³ The Lee court agreed to unseal 19 documents wholly or with redactions. Only two remained sealed because they were irrelevant to ethnic targeting and for other reasons. Neither side objected to unsealing an Order Authorizing Interception of Wire Communications.

In this Drake-related case, the Court likewise has particular reason to scrutinize closely any claims of national security interest. “The District Court cannot abdicate its responsibility to ...determine whether filings should be made available to the public. It certainly should not turn this function over to the parties.” *Proctor & Gamble Co. v. Banker's Trust Co.*, 78 F.3d 219, 227 (6th Cir. 1996). [W]e are equally troubled by the notion that the judiciary should abdicate its decisionmaking responsibility to the executive branch whenever national security concerns are present.” *In re Washington Post Co.*, 807 F.2d 383, 391 (4th Cir. 1986) (vacating sealing order).

Other Arguments in Defendant's Response. The government's argument that its “continuing interest” in some of Plaintiff's property is the “sole” issue in this case is addressed above under “Comparing the Maryland case.”

² *Electronic Surveillance Manual: Procedures and Case Law, Forms*, Electronic Surveillance Unit, Office of Enforcement, Operations, Criminal Division, Department of Justice, Revised June 2005.

³ Wen Ho Lee was wrongly accused of spying for China while Plaintiff and associates were wrongly accused of leaking information on domestic surveillance. Lee was wrongly targeted mostly because he was ethnic Chinese, while Plaintiff and associates were wrongly targeted and also retaliated against because they were internal whistleblowers. A multitude of charges against Lee and Drake were dropped under suspicious circumstances, angering both judges.

The government also incorrectly believes that Plaintiff is arguing that the overt July 26, 2007 was illegal and that there is no evidence of this, although Plaintiff repeatedly stated that she is contesting an unnotified surreptitious search conducted prior to July 26.

The primary evidence of such a search was identification in the July 26 warrant of distinctive papers with headers and footers removed that were located in plain view on her office bookcase shelf; the government has finally admitted that such papers were seized and that all but three remain in its possession. The warrant also stated, incorrectly as the government now admits, that these papers were “classified,” indicating that the papers were perused by an intruder with some acquaintance with national security issues, and probably that originals, copies or photos were taken to NSA for review. As also stated previously, the documents missing headers and footers were emails, with dates and correspondents' identities removed to protect associates and the date of printing at the bottom removed. Defendant has confused this with removal of classification markings, of which there were none, with the government now admitting that none were merited. Secondly, the government had identified Plaintiff's correspondents on the domestic surveillance topic before July 26, and so was able to raid those it selected simultaneous with the raid on Plaintiff, probably by copying her hard drive during the surreptitious search and likely previously through illegal NSA's collection of email metadata and perhaps content. In sum, it can hardly be claimed that there is no evidence of unnotified and thus illegal search conducted before July 26, 2007.

Contrary to Defendant's assertion, Plaintiff has also presented evidence that, in addition to two illegal NSA searches of her computer that violate warrant particularity requirements, other wire/electronic searches and tampering that target Plaintiff, whether legal or illegal, have spanned many years. Definitive evidence that this continued was presented to the Court after a repair firm found a sophisticated Trojan Horse and keylogger on her computer in November 2014. Plaintiff has

a right to know who conducted these searches and details about them. Given that some of these activities are unlikely to be approved by warrant, federal intelligence and investigative agencies should also be required to provide information to the Court on activities with or without a warrant that target Plaintiff.⁴ Warrantless searches are far more threatening to civil liberties than misguided searches using a defective warrant. Judge Powell's warning above about "subjection to an unchecked surveillance power" applies in Plaintiff's case.

Defendant alleges that the *Comprehensive Drug Testing* (CDT) decision (*U.S. v. Comprehensive Drug Testing*, 513 F.3d 1085 (9th Cir. 2008)), to return property seized in an illegal search "was only relevant in CDT" because it applied to a four-part test for return of property before an indictment is issued. An indictment has not been issued in Plaintiff's case, either. Further, the Circuit at length discussed its intent to establish CDT as a governing precedent updating for the electronic storage age "our venerable precedent, *United States v. Tamura*, 694 F.2d 591 (9th Cir., 1982)." "*Just as Tamura has served as a guidepost* for decades, we trust that the procedures we have outlined above will prove a useful tool for the future constitutional freedoms of our citizens..." "Throughout, we take the opportunity to guide our district and magistrate judges in the proper administration of search warrants and grand jury subpoenas for electronically stored information."

The CDT case is quite similar to NSA's even more egregious and deliberate two additional searches of Plaintiff's papers and computer, in violation of warrant particularity. The court insisted on third party "segregation and redaction" of information not covered in the warrant, that would not be made available to investigators. In reviewing computer material the agents exploited the "plain view" doctrine to scoop up information on many targets other than those in the warrant and then to seek criminal cases against them at various courts. The Court's guidelines for return of property in

⁴ Precedent for this includes, e.g., *In re: National Security Letter, Under Seal v. Holder*, 13-15957 & 13-16731 (consolidated), 13-16732 at http://www.ca9.uscourts.gov/content/view.php?pk_id=0000000715.

the face of such deliberate violations were quite expansive:

When, as here, the government comes into possession of evidence by circumventing or willfully disregarding limitations in a search warrant, it must not be allowed to benefit from its own wrongdoing by retaining the wrongfully obtained evidence or any fruits thereof....it should then order the return of the property without the need for balancing that is applicable in the more ordinary case.”

Having been subject to two illegal searches in this respect and apparently many others as well, all of Plaintiff's property should be returned without regard to “balancing” considerations such as “continuing interest.”

Conclusion. Plaintiff prays that the Court agree that she has persuasive evidence of illegal searches, both pertinent to the instant case and otherwise, that for years have denied her a right to privacy. The government's insistence that, nevertheless, she is not entitled to the facts, is unworthy of this country, contrary to the Bill of Rights, and elevates suspicion that it has much to hide.

DATED this 20th day of April 2015.

Respectfully submitted,



Diane Roark, pro se

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Plaintiff's Reply Brief to Defendant's Response to Plaintiff's Motion to Unseal Documents** was delivered to the District Court of Oregon in Eugene on April 20, 2015. A copy was emailed the same day and sent by United States Mail on April 21, 2015y from Stayton, Oregon to:

James E. Cox Jr., AUSA
1000 SW Third Ave., Suite 600
Portland, Oregon 97204
jim.cox@usdoj.gov



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NATIONAL
SECURITY
AGENCY

NEWSLETTER

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November 1999

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*Happy
Thanksgiving*

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*Attachment A, Roark v. U.S.
Plaintiff Reply, Motion to Unseal*

NSA Pioneers New Diamond-Based Technology

Open research often leads to the creation of new technology. The NSA Scientific Advisory Board recognized this when, in the late 1950's, it recommended that NSA create the Laboratory for Physical Sciences as an unclassified research organization associated with a major research institution. It would provide an opportunity for the academic and industrial research world to come together.

The Agency now conducts unclassified research in engineering and the physical sciences jointly with the University of Maryland at the Laboratory for Physical Sciences.

NSA's Involvement in Research and Development

Physicists at the Laboratory for Physical Sciences (LPS), a division in the Directorate of Technology, saw opportunities to use inexpensive industrial-grade diamond and aerosol spray cooling to solve problems encountered in high-performance computing engines and other systems that could overheat in field environments.

The solutions to these thermal problems did not require costly, high-quality single-crystal diamond

found in expensive jewelry, but the use of relatively inexpensive polycrystalline diamond produced by commercial plasma methods. These polycrystalline diamond plates have a thermal conductivity many times greater than that of copper and are very good electrical insulators.

In 1989, LPS scientists began a comprehensive research program to exploit synthetic diamond and aerosol spray cooling. It involved many divergent groups investigating applications which addressed heat and reliability issues. As a result, greatly improved thermal management properties were demonstrated. They were applied to reduce the size and weight of present-day supercomputers.

Smaller is Better

One of the first demonstration projects was to shrink a supercomputer to fit in a small suitcase. The original machine was approximately the size of a home refrigerator-freezer combination.

In 1998, this machine was successfully demonstrated at SGI Cray Research. It ran about 10 percent faster than the standard commercial version and was substantially smaller. Only the central processor elements and main memory were incorporated in this demonstration version.

In 1999, a joint NSA and Defense Applied Research Projects Agency program successfully demonstrated that portions of a supercomputer could be engineered to fit into a cube 6 inches on a side. It was made of diamond-based multi-chip modules and aerosol spray cooled to remove the 2,500 watts of heat from the system.

Diamond Details

Diamond is the world's hardest substance. It brings to mind a rare, beautifully faceted, very expensive, and large single-crystal gemstone.

Because of its fire and durability, diamond is unique among the natural mineral elements. Today, many of diamond's physical properties can be explained, such as why it is so different from the other allotropic forms of carbon. The extremely strong bonds between the carbon atoms in the diamond structure not only make it the hardest known material, but also the best conductor of heat.

Unlike other effective heat conductors, such as copper or silver, diamond is also an exceptional electrical insulator. The ability to move heat easily from one place to another is an attribute that is beneficial in high-performance microelectronic systems because heat is their mortal enemy.

Heat degrades the overall reliability of electronic systems. Its properties make diamond an ideal material for advanced semiconductor packaging applications. Moving heat is only half of the problem—ultimately it must be discarded into the environment.

Aerosol Spray Cooling Technique

An efficient way to extract heat and place it into the environment is to evaporate a liquid. The human body uses sweat to do this. A technique called aerosol spray cooling is a type of "high-tech sweat." Small droplets of liquid are sprayed onto a hot surface where they evaporate. Just as a perfume atomizer sprays a cloud of tiny liquid droplets onto a surface to evaporate, an aerosol spray nozzle does the same thing to a hot micro-

All Newsletters distributed to Agency facilities outside NSAW should be treated with extreme care. Because the Newsletter contains information about NSA employees and activities which is not routinely made available to the public, reasonable care must be taken to keep it within the circle of Agency employees, retirees, and immediate families. Newsletter copies received in the mail or taken from Agency buildings should be given special care and should be destroyed as soon as they have been read.

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electronic package in a computing system. The hot gas is recovered and recycled for reuse in a closed cycle system, just as in a home refrigerator or freezer. This evaporation process, or phase change from a liquid to a gas, removes the heat to a suitable place for dumping to the atmosphere.

The combination of diamonds to move heat, and aerosol spray cooling to extract heat from electronic devices, has played a pivotal role in

the design of high-performance computing systems at NSA.

The new computer, diamond-based technology, aerosol spray cooled systems, and advanced microelectronics thermal management techniques are on display in the NSA/CSS Demonstration Center in OPS 2B.

For more information on diamond research and aerosol spray cooling, contact Paul Boudreaux, Technical Director, Laboratory for Physical Sciences at 301-935-6547.—*mdh*

Survey Update

Thank you for letting the NSA/CSS Internal Communications Cell (NICC) know what you think of the *NSA Newsletter*. The NICC heard from hundreds of military assignees, civilian employees, and retirees, and we appreciate each response. The feedback is being tabulated and analyzed. Look for the results in upcoming editions!

Retirements

51 Years

James R. Child

43 Years

Kenneth A. Williams

37 Years

Catherine R. Allen
Shirley A. Barton
Dale F. Brigman
Laurence P. Coghlan III
Harry Timmons

36 Years

James R. Gunning
Glenn F. Wheeler

35 Years

Helen J. Collins
John L. Davies
Albert J. Fichter
George O. Kent, Jr.
Thomas Sandusky

34 Years

Vicki N. Meiser
Kenneth F. Pearce
Alan H. Roth
Linda C. Weibe

33 Years

Mary K. Bjorklund
Nikki G. Erdman
Jonathan A. Gerbracht
Jack R. Grimm
Alice Freeman Harris
George O. Little, Jr.
Mary J. Loyd

32 Years

Robert J. Liberatore
Gerald D. O'Connor
Cheryl J. Wheeler

30 Years

John M. McClean
Richard J. Rolfe
Sally L. Thomas

29 Years

Deborah J. Willis

28 Years

Frank C. Wirth

27 Years

Katherine G. Gray
Frederick E. Pross

26 Years

Diane L. Bowen
John E. Burroughs

25 Years

Susan A. Cook
Susan A. Feibel
Barbara L. Gates
Andrew Slusar, Jr.

24 Years

James Cooper

23 Years

Lenore I. Bredthauer

21 Years

Susan J. Hyland

20 Years

John J. Bradish
Rebecca J. Glase
Carol E. D. Hart

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Schedule of Events

November 4, Storyteller Penny Gamble Williams, Tribal Chief of the Chappaquidick Tribe of the Wampanoag Indian Nation, 9:00–11:00 a.m., Canine Suite

November 12, Film, "Smoke Signals," 10:00 a.m.–noon, R & E Symposium Center

November 17, Flag Raising, 8:00 a.m., OPS 2A
American Indian/Alaskan Native Luncheon, 11:00 a.m.–12:30 p.m., Canine Suite

Registration is available on the EEO HomePage at <http://www.s.nsa/ERS/EEO/events.html>.

Health Benefits

The Health Benefits Open Season is ongoing through Monday, December 13. Individual plan brochures and the 2000 Comparison Guides are available in the Integrated Personnel Activities (IPAs), NSA Customer Service Centers, and the Health Benefits Office (SAB 1, Room SICN03).

Even employees who do not plan on making an Open Season change should review the new 2000 brochure for their current plan because premiums and coverage may change. Electronic versions of most brochures are available on the Agency's Retirement and Insurance HomePage and on the Office of Personnel Management's INTERNET Webpage at www.opm.gov/insure.

New enrollments and changes will be effective January 2, 2000. Questions may be referred to the Health Benefits Office at 963-4524(s) or 410-854-6063.

Awards

MERITORIOUS CIVILIAN SERVICE AWARD



Richard S. Bernardino



Cynthia S. Dearfield



Robert W. Jackson

DIRECTOR'S DISTINGUISHED SERVICE MEDAL



Robert J. Liberatore



Alice Freeman Harris

EXCEPTIONAL CIVILIAN SERVICE AWARD



Maria N. O'Connor

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Club Notes

Celtic Forum meets the last Tuesday of every month. Anyone interested in the culture, art, languages, or heritage of the Celtic lands (Brittany, Cornwall, Ireland, Man, Scotland, and Wales) or peoples is welcome to attend. For further information, contact Karen Davis (kmdavis@nsa), 301-688-7884.

Comic Book/Science-Fiction Memorabilia Collectors Club meets the first Friday of every month. The club provides a forum for people interested in comic books, science fiction, games, and other fandom. A second meeting for family members to attend is held on the third Saturday of each month at the Provinces Library. For more information, contact Ann White (abwhit1@nsa).

Deep Sixers SCUBA Diving Club will hold its monthly meeting on Thursday, November 18 at 7:00 p.m. Possible fall trips include a heated lake in West Virginia and fossil hunting at Calvert Cliffs. A December road trip for Florida diving is in the planning. There is quarry diving at Bainbridge most weekends. There is an on-line Deep Sixers Dive Club through home INTERNET that offers a chat room, message board, on-line calendar, and photo gallery. For more club information, contact Mark at 301-688-7681.

Hispanic Forum meets every month and offers a wide array of activities throughout the year. For more information about the forum's goals, activities, and how to join, subscribe to ESS 1252 or contact Ivette Collazo

(imcolla@nsa). The Hispanic Forum's activities are open to all employees.

Parkway Coin and Stamp Club will hold its monthly stamp meeting Thursday, November 4 at noon. The monthly coin meeting will be Thursday, November 18 at noon. Meeting locations will be displayed in the showcase opposite the OPS 1 Cafeteria entrance during the week of each meeting. Anyone interested is invited to attend. For stamp club information, contact Grover Hinds at 301-688-4598. For coin club information, contact Mitch Ross at 301-688-8428.

Socially Oriented Bikers Motorcycle Club will meet Wednesday, November 3 and December 1 at 5:00 p.m. at Perry's in Odenton. Meetings are scheduled for the first Wednesday of each month. For more exciting news on the club, subscribe to Electronic Subscription Service (ESS) 111 or visit the club's Web site via INTERNET. Future rides include Lancaster, PA; Eastern Shore; and Laconia Bike Rally, NH. Lunch rides are held the third Wednesday of each month at 11:30 a.m. Membership costs \$12 per year. For further information, contact Ron at 301-688-1051, Kent at 301-688-0905, or Brenda at 301-688-4292.

Single People in Activities Recreational and Cultural (SPARC) events for November include dining out at Elkridge Furnace Inn, the Sugarloaf Craft Fair, the Ellicott City Ghost Tour, a game and card event, a singles dance, a monthly activities planning meeting, and weekly happy hours and trivia at Hurricanes. For more information, subscribe to ESS 1444 or contact Sally Biggerstaff at 972-2270(s) or 301-688-0146.

Women and Men in NSA (WIN) is now accepting nominations for the 1999 Dorothy T. Blum Award for Excellence in the employee personal and professional development arena.

The award recognizes Agency employees who have helped other individuals (not necessarily those they have worked with) to attain their personal or professional goals.

The award is named in memory of Dorothy T. Blum, who believed that people are NSA's most valuable resource and provided opportunities, guidance, and encouragement to many Agency employees. The awardee, whose name will be announced at a WIN luncheon in late February 2000, will receive \$250 and a small inscribed plaque. Last year's recipient was Deborah Shoemaker.

Nominations should include the name, organization, and telephone number of both the submitter and the nominee; a summary paragraph explaining why the person deserves to be recognized; one or two paragraphs with specific details; and any information relevant to the nomination.

Three copies of the nomination should be sent to the Dorothy T. Blum Award Committee of WIN, in care of CWF, VCC, OPS 2A, Room 210, by February 5, 2000. The point of contact is Barbara Clark, 301-688-2958, OPS 2B, Room 5118.

CWF Holiday Party

The Civilian Welfare Fund presents "Kohl and Company." December 4, 9:00 a.m., 11:00 a.m., and 1:00 p.m., OPS 2A/2B Cafeteria. For more information, contact the CWF at 301-688-7337.

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Paul Derthick's Headline Puzzleby Larry Gray

The following are headlines from recent daily newspapers. Each of the five is a different letter-for-letter substitution. All five are derived from the same mixed alphabet at different settings against itself. For Paul Derthick's explanation of how to do the Headline Puzzle, visit Website http://nicc.fanx.s.nsa/newsletter/news_puzzle.html.

1. GWEHJFCT RZXXA'Q RZKKAQ QVEFCA GWCAETAQ HC CKEVG JFEKZHCF
2. AOVPSQQV. QSOSEAH VQUOVU MSGQMJEQJMVZRZ DOUR URZSMG VRPSGQAMG
3. EGKJU EUZXRDTJ GD HKUXWG XRAG'J HGSRWRAZS JWZWKJ JGKTEW
4. BLEQ MFNFUC QLBGXXC LC FBVFLBC CUHI KXXG-MHBE CGFV
5. GJZB BPLUH DUBGHZ SJAA IUH PMCGXGMCMSG IHUL PMCUMGZPJ

Answer will appear next month.

Answer to October Puzzle:

1. DEMOCRATS HOPING TO CLOSE GAP IN REPUBLICAN-CONTROLLED SENATE
2. SYBASE BOARD APPROVES BUYBACK OF OUTSTANDING STOCK
3. SLOW-GROWTH ACTIVISTS UPSET OVER HIGH-TECH PUSH FOR ROADS
4. KAFELNIKOV VICTOR OVER KIEFER AT LEGG MASON TENNIS CLASSIC
5. RUSSIAN ECONOMY BEING CRIPPLED BY MASSIVE FLIGHT OF CAPITAL

Setting: ESKER Key: MORAINÉ Hat: DRUMLIN

Paradise Island

Hidden below are 25 words associated with the word island. The words read in any direction and any letter may be used more than once.

S	S	T	Z	N	L	P	T	O	U	R	I	S	T	S
T	M	U	G	D	C	L	A	M	B	A	K	E	S	E
T	I	C	R	T	Z	Y	I	N	U	Q	I	H	E	R
E	R	I	H	S	P	M	A	H	W	E	N	C	C	I
S	G	T	O	A	H	O	D	Y	R	U	N	A	N	H
U	L	C	D	E	R	U	S	A	L	E	M	E	A	S
H	I	E	E	H	S	T	L	L	D	I	K	B	N	K
C	P	N	I	T	A	H	F	I	O	D	F	N	T	R
A	V	N	S	R	R	R	V	O	W	B	I	U	E	
S	E	O	L	O	W	O	B	X	R	M	S	A	C	B
S	R	C	A	N	R	C	P	O	A	D	H	T	K	P
A	M	G	N	P	Y	K	V	W	R	F	I	E	E	O
M	O	F	D	Z	M	A	I	N	E	S	N	I	T	R
L	N	G	A	P	B	O	S	T	O	N	G	Q	R	T
L	T	G	N	I	I	K	S	P	W	P	R	Z	R	S

In Memoriam

Mark F. Abernathy, a security support specialist in the Support Services Organization, died August 7. He was 46.



A native and resident of Baltimore, MD, Mr. Abernathy joined the Agency in 1986.

Mr. Abernathy is survived by his wife, Patricia.

Virginia H. Davis, a former analyst in the Operations Organization, died June 4. She was 74.

Ms. Davis began her Agency career at Arlington Hall. She retired in 1973 with 24 years of Federal service. Ms. Davis most recently resided in Dayton, VA. She enjoyed travel.

Gerald A. Deckert, a manager in the Operations Organization, died July 28 of a heart attack. He was 46.



Mr. Deckert earned a degree in engineering from Washington State University. He

joined the Agency in 1975. Mr. Deckert resided in Elkridge, MD. He was a cycling enthusiast, a philatelist, and active in the Boy Scouts.

Mr. Deckert is survived by his wife, Barbara; a son, Brian; and a daughter, Claire.

Douglas A. Fletcher, a logistics officer in the Support Services Organization, died August 25 of ventricular fibrillation. He was 52.

Mr. Fletcher joined the Agency in 1965. He earned an Associates of Arts Degree in Business Administration

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from Prince Georges Community College.



Born in Washington, DC, Mr. Fletcher resided in Severn, MD. He enjoyed handyman projects and watching sporting events.

His wife, Linda; and three sons, Kenneth, Michael, and Jason survive Mr. Fletcher.

Jack E. Haynes, a former cryptomaterial control specialist in the Information Systems Security Organization, died August 31 of cancer. He was 74.

Prior to joining the Agency, Mr. Haynes served with the U.S. Navy. He retired in 1980 with 37 years of Federal service.

An avid sports fan, Mr. Haynes resided in Sunderland, MD.

Mr. Haynes is survived by his wife, Thelma; and five children.

Edmund F. Izzi, a former cryptologist in the Technology and Systems Organization, died July 9 of a heart attack. He was 73.

Mr. Izzi retired in 1977 with 28 years of Federal service.

Mr. Izzi was a resident of Lanham, MD. He enjoyed fishing and cooking and was an active church member. Mr. Izzi is survived by a sister.

Patricia L. Jenifer, a senior budget analyst in the Plans, Policy, and Programs Organization, died June 21 of cancer. She was 39.



Ms. Jenifer earned a bachelor's degree in accounting from Roger Williams College. She joined

the Agency in 1983. Ms. Jenifer was a native and resident of Washington, DC. She enjoyed painting and crafting, but her main interest was spending time with her daughter and family.

Her daughter, Brittany, survives Ms. Jenifer.

John S. Lawrence, a former linguist in the Operations Organization, died August 1 of Parkinson's Disease. He was 79.

Prior to joining the Agency, Mr. Lawrence served with the U.S. Air Force. He retired in 1979 with 33 years of Federal service. Mr. Lawrence resided in College Park, MD.

His wife, Ruth; a daughter, Nancy Snyder; a son, David; and three grandchildren survive Mr. Lawrence.

Bernard W. Reiben, a former intelligence research analyst in the Operations Organization, died August 7 of a heart attack. He was 74.

Prior to joining the Agency, Mr. Reiben served with the U.S. Army. He retired in 1976 with 21 years of Federal service.

Mr. Reiben most recently resided in Bellevue, WA. He enjoyed photography.

Mr. Reiben is survived by his wife, Paula; two daughters; and three grandchildren.

Marsha R. Shell, an administrative officer in the Support Services Organization, died August 4 of cancer. She was 46.



A native of Baltimore, MD, Mrs. Shell joined the Agency in 1986. Mrs. Shell resided in Randallstown, MD. She

was an active church member and an avid shopper.

Mrs. Shell is survived by her husband, George; and a son, Corey.

In Appreciation

I would like to express my sincere thanks to the many friends and co-workers of the NSA family for their overwhelming expressions of sympathy following the recent passing of my husband, MSG Robert J. Banciewicz, USA (retired). Your thoughtfulness and support during my husband's yearlong battle with metastatic kidney cancer and subsequent death is deeply appreciated. Your kindness during this most difficult time will always be remembered.

Terry Banciewicz

My family and I would like to express our sincere appreciation to my NSA colleagues and friends for their expressions of sympathy and support during my mother's illness and following her death. The cards, flowers, plants, prayers and generous gifts were greatly appreciated and a comfort to us during this difficult time. Such support, friendship, and kindness will always be remembered.

Debi DeHaven

My family and I would like to express our appreciation to friends and coworkers for the support after the sudden death of my father, Robert Bassett. We were overwhelmed with the number of people that came to pay respect, as well as the many cards, flowers, and phone calls. Thank you! You are never prepared for such a time, but thanks to all of you who were there, it did ease the pain. Your kindness will never be forgotten.

Anita Doda and Family

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My family and I would like to thank everyone for their cards, flowers, prayers, and expressions of love, support, and condolences during my father's illness and subsequent death. We would especially like to thank my staff, the MHS family, and many others for their contributions to the American Cancer Society in memory of my father. Words cannot express the sincere appreciation we feel for your kindness in our time of sorrow.

Kelly Freeman-Garrett and Family

We would like to thank our friends and coworkers at NSA for their kind expressions of sympathy and concern following the sudden death of my father. Our joy is knowing he was prepared for his death but he will be missed by us in this life.

-Bill. Kaye, and Archilou Frix

REPORTING ON FRAUD, WASTE, AND INEFFICIENCY

The Secretary of Defense has solicited the cooperation and support of all DOD personnel in reducing fraud, waste, and inefficiency in DOD. All personnel should be alert to opportunities for improved economies and efficiencies in NSA operations. Recommendations should be made through appropriate management channels.

To report suspected instances of fraud, waste, and inefficiency within NSA, call either the NSA Inspector General (IG) at 301-688-6666 or the DOD Hotline at 1-800-424-9098. The Hotline operates from 8:00 a.m. to 5:30 p.m. each workday and is staffed by personnel from the Defense Criminal Investigative Service. The identity of all callers will be fully protected.

Personnel using the outside telephone or contacting the DOD Hotline are reminded of security requirements; they should discuss only unclassified information. Classified conversations should be held only over the secure phone with the NSA IG's office or with the IG's representative in person in OPS 2B, Room 2B8076. Shift personnel or others wishing to leave a message with the NSA IG may do so by calling on the secure phone and leaving a recorded message.

I would like to extend my sincere thanks to my friends and coworkers for their many expressions of sympathy following the sudden death of my brother. Your kindness and thoughtfulness were greatly appreciated.

-Lawrence Hauf and Family

I wish to extend my deep appreciation to my friends and colleagues for all the expressions of sympathy I received following the death of my mother. Each one meant a great deal to me, and I shall never forget your thoughtfulness.

-Don Newhart

My family and I would like to express our gratitude to our friends and coworkers for the many expressions of concern and support we received during my brother Vernon's illness and following his death. They say you can measure your blessings by the number of friends you have. Well, during this unhappy time we realized that we truly have been blessed. Words will never be enough to let you know how much everyone's compassion means to us and you will always be remembered in our hearts

-Patricia E. Schmidt and Family

I would like to thank my friends and coworkers for their expressions of sympathy and support following the death of my brother. It's always grievous to lose a loved one, and I really needed a few kind words and gestures of comfort. Thanks to all.

-Liza (Boyle) Stough

Retirements

I would like to thank my colleagues and friends who attended my retirement party. A special thanks to Larry who arranged and worked so hard to make it a success. My family

and I hope that everyone who attended enjoyed themselves as much as we did.

The presentation of mementos and speeches will always be remembered, as will the friendships I have made during my 36 years of service.

-Karl M. Schmidt

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NSA/CSS INTERNAL COMMUNICATIONS CELL

The *NSA Newsletter* is published monthly by the NSA/CSS Internal Communications Cell for the information and enjoyment of NSA employees and their families.

The *Newsletter* office is located in OPS 1, Room 3N074. The telephone numbers are 963-5901(s) and 301-688-6583.

Employees may submit items for publication via E-mail to nsanews. Retirees may submit a typed, double spaced article, that includes their name, organization, and phone number to the NSA/CSS Internal Communications Cell, Fort George G. Meade, MD 20755-6000. All submissions to the *Newsletter* are subject to editing for space, clarity, and classification. There are no exceptions to this policy.

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Attachment B, Roark v. U.S.

Plaintiff Reply, Motion to Unseal



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Welcome to the Phoenix Society, Inc.

aren't getting emails from the Phoenix Society, let us know.

Have a say in Phoenix Society Travel Plans and Fill out a short form with your preferences and ideas
[Click Here](#) (Members Only Access required)

DOD Retiree Identification Cards are now AVAILABLE !
Click here to see the letter from the Chairman explaining the procedure

Prostate Cancer Awareness Article is now in the Health and Welfare section in the Community tab
 Here is a shortcut to the article - [Click here](#)

CWF Now offers discount tickets to Members
[Click here](#)
 (requires Members Only login)

Guidelines for Personal use of Social Networking Sites is now available - (requires Members Only login - [PDF](#))

Phoenix Society Logo Shirts

We are ready to take orders for the NEW Phoenix Society logo shirts.
[Click Here for information and to order.](#)

2014 Letter from the Chairman (Members Only)

"What do I get out of being a member?"

This is the question we are most frequently asked.

Being a member of the Phoenix Society may not get you inside the double fences, but it gives you the unique opportunity to retain or regain contact with co-workers that have retired and moved to that ideal retirement area that you always thought about. We maintain an address directory both alphabetically and by city. We also maintain a list of email addresses and a list of Agency people who have passed away. All of these lists are updated monthly. What is unique about these lists is that they are the only lists of

Quick Links

- [Membership Application \(PDF\)](#)
- [Membership Renewal](#)
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- [Address Change - Print Form](#)
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personnel who have retired and became members of the Society. There is no such list for retirees who choose not to join the Society. You will also receive the POST CRYPT, our monthly Newsletter, which contains information on various subjects such as book reviews, information on travel taken by Society members and topics of general interest to include investments, health and taxes. Members are able to take advantage of the numerous trips that are sponsored by the Phoenix Society to historic and scenic locations. Remember, retirees do not take vacations; they take 'trips.' We will be adding to the web site and emailing you additional information on employment and volunteer opportunities, group reunions and we are attempting to make available articles relating to the agency that are published in newspapers and magazines. These are just a few of the advantages available to members of the Phoenix Society. You will have to join to find out what other advantages are available. We look forward to receiving your application as a new member and if you are already a member, your renewal.

Tony Wheeler - Membership Chairperson for the Phoenix Society

The Phoenix Society is able to accept on-line payments for dues. This option is available in the Members Only Section - On-Line Dues Payment.

GEBA'S CORNER (PDF)

The April 2015 Post Crypt is now online in the Members Only area.

History Today - Fun facts from the past (Members Only).

NEW Employment opportunities just posted. Visit the Members Only area to learn more.

Are you missing out on some fun trips? Don't forget to check out the Members Only Section for Travel & Events