

Judicial Watch Discovers the Lengths the Deep State Will Go to Protect Its Secrets

Unless a court ruling makes them available sooner, all documents relating to former National Security Adviser Susan Rice's decision to "unmask" the identities of campaign staffers for President Donald Trump, and potentially other American citizens whose conversations were captured by Intelligence Community domestic spying, will remain hidden for years.

The government watchdog group Judicial Watch announced Monday evening that it received the following response from the National Security Council regarding an April 4 request under the Freedom of Information Act:

Documents from the Obama administration have been transferred to the Barack Obama Presidential Library. You may send your request to the Obama Library. However, you should be aware that under the Presidential Records Act, Presidential records remain closed to the public for five years after an administration has left office.

And now you know the lengths the Deep State will go to protect its secrets from public scrutiny.

Judicial Watch has already filed six lawsuits in its pursuit of answers to the unmasking scandal, and is now likely to file a seventh. In its April 4 letter to the NSC, the government watchdog group had requested the following information:

- Any and all requests for information, analyses, summaries, assessments, transcripts or similar records submitted to any Intelligence Community member agency or any official, employee, or representative thereof by

former National Security Adviser Susan Rice regarding, concerning or related to the following:

- Any actual or suspected effort by the Russian government or any individual acting on behalf of the Russian government to influence or otherwise interfere with the 2016 presidential election.
 - The alleged hacking of computer systems utilized by the Democratic National Committee and/or the Clinton presidential campaign.
 - Any actual or suspected communication between any member of the Trump presidential campaign or transition team and any official or employee of the Russian government or any individual acting on behalf of the Russian government.
 - The identities of U.S. citizens associated with the Trump presidential campaign or transition team who were identified pursuant to intelligence collection activities.
- Any and all records or responses received by former National Security Adviser Susan Rice and/or any member, employee, staff member or representative of the National Security Council in response to any request described in part 1 of this request.
 - Any and all records of communication between any official, employee or representative of the Department of any Intelligence Community member agency and former National Security Adviser Susan Rice and/or any member, employee, staff member or representative of the National Security Council regarding, concerning or related to any request described in Part 1 of this request.

Upon discovering how much documentation there might be in the hands of the Obama Presidential Library, Judicial Watch and the American public might never hear the full story. That's because federal courts have determined that the NSC "does not exercise sufficiently independent authority to be an 'agency' for purposes of the Freedom of Information Act."

In other words, FOIA doesn't apply to it.

In its letter to the NSC, however, Judicial Watch offered what is likely the basis for a solid constitutional argument that should be determined by the courts. The watchdog group's argument for access states:

The records sought in this request pertain to actions by the former National Security Adviser that demonstrate a much higher degree of independent authority than was contemplated by the court; specifically, the issuance of directives to the Intelligence Community related to the handling of classified national security information...

The recent revelations of the role of Susan Rice in the unmasking the names of U.S. citizens identified in the course of intelligence collection activities and the potential that her actions contributed to the unauthorized disclosure of classified national security information are matters of great public interest.

The NSC also informed Judicial Watch that because its documents are now in the possession of the Obama Presidential Library, it will not turn over communications with any Intelligence Community member or agency concerning:

- the alleged Russian involvement in the 2016 presidential election;
- the hacking of DNC computers or
- the suspected communications between Russia and Trump campaign/transition officials.

"Prosecutors, Congress and the public will want to know when the National Security Council shipped off the records about potential intelligence abuses by the Susan Rice and others in the Obama White House to the memory hole of the Obama Presidential Library," Judicial Watch President Tom Fitton said. "We are considering our legal options but we hope that the Special Counsel and Congress also consider their options

and get these records.” {eoa}