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Discover the Truth at: http://www.theblackvault.com



Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C 20530

MAY 1 8 2005 5-18-05

Mr. George Canning

Re: Request No. 0964132-001 - Blue Boar

Dear Mr. Canning:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation on your request for information from the files of the Department of Justice was received by this Office on May 6, 2005.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **05-1729**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. The necessity of this delay is regretted and your continuing courtesy is appreciated.

Sincerely,

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Received 5-25-05 Bmit

Priscilla Jones Chief, Administrative Staff



b6 b7С

reid 5.6.05

10 - 1729

April 30, 2005

Ь6 Ь7С

Co-Director Office of Information and Privacy U.S. Department of Justice Flag Building, Suite 570 Washington, DC 20530-0001

RE: FOIA Appeal -FBI FOIPA No. 0964132-001

To whom it may concern:

OFFICE OF INFORMATION AND PRIVACY

MAY 0 6 2005

RECEIVED

This is an appeal of the denial of information requested by me under the Freedom of Information Act and agency regulations. My letter of request to FBI Headquarters and the FBI's Washington Field Office, dated June 20, 2002, was denied in part by David M. Hardy, Chief of the FBI's Record/Information Dissemination Section, Records Management Division, by letter dated April 25, 2005. A copy of the denial letter is attached (enclosures omitted).

The issues on this appeal are framed by the terms of the denial letter. In that letter Mr. Hardy invoked the terms of Exemptions 1, 2, 7(C), and 7(D), and concluded that access would be denied to those materials. The explanation of that denial is insufficient in scope, lacking in legal basis, and incapable of withstanding close scrutiny by the courts, should judicial <u>de</u> <u>novo</u> review be sought.

The FBI asserts that some of the material is exempt under 5 USC 552(b)(1). The cited exemption does not cover this type of material because it is not properly classified under Executive Order 12958 (as amended by EO 13292). Some of the material withheld does not meet the criteria set out in the Executive Order for classification of information. Some of the material has been classified, in violation of the Executive Order, to conceal violations of the law, inefficiency, or administrative error, or to prevent embarrassment to the FBI and/or specific personnel. Therefore, the exemption claimed in this matter does not support withholding of this information under the Freedom of Information Act.

Further, to the extent no declassification review has been done, or that none has been done within the last year, I hereby request such a declassification review of all presently classified information in the documents, pursuant to Executive Order 12958 (as amended by EO 13292) §3.5.

From what little information has been released, the files appear to concern investigations about the theft of police files in California, done on behalf of the Anti-Defamation League of B'Nai B'Rith (ADL). That investigation was the subject of extensive media coverage from at least the time that San Francisco and Los Angeles offices of the ADL were raided in late 1992. Names of some of the investigation subjects, including Tom Gerard and Roy Bullock are in the public domain as such. All of this public-domain information — whether presently shielded by Exemption 1 or 7(C) — must be disclosed. See, <u>Davis V.</u> <u>Department of Justice</u>, 968 F.2d 1276, 1279 (D.C. Cir. 1992), citing <u>Afshar V. Dept. of State</u>, 702 F.2d 1125, 1130-34 (D.C. Cir. 1983) and <u>Fitzgibbon V. CIA</u>, 911 F.2d 755, 765-66 (D.C. Cir. 1990).

In addition, some of the withheld information has been previously acknowledged and disclosed by the FBI, notably the investigation code name ("BLUE BOAR") and case file numbers — see my FOIA request letters, including attachments. Such material, which appears to have been withheld under Exemption 1, is subject to EO 13292 §1.7(c) and unless the exemptions there cited apply, must be deemed declassified.

Because the Freedom of Information Act exemptions do not cover the requested material, I request that you review the record and order the withheld information be disclosed to me.

Pursuant to the Act's requirements on administrative appeals, I request a response to this appeal within twenty working days.

eorge

Federal Bureau of Investigation

Washington, D.C. 20535

April 25, 2005



The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552		Section 552a
⊠(b)(1)	□(b)(7)(A)	□(d)(5)
⊠(b)(2)	□(b)(7)(B)	□(j)(2)
□(b)(3)	≌(b)(7)(C)	□(k)(1)
	⊠(b)(7)(D)	□(k)(2)
	□(b)(7)(E)	□(k)(3)
	□(b)(7)(F)	□(k)(4)
□(b)(4)	□(b)(8)	□(k)(5)
□(b)(5)	□(b)(9)	□(k)(6)
□(b)(6)		□(k)(7)

830 page(s) were reviewed and 275 page(s) are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
 - □ referred to the OGA for review and direct response to you.
 - □ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Co-Director, Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

□ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,

David M. Hardy Section Chief Record/Information Dissemination Section Records Management Division

Enclosures (2)

Enclosed are the processed documents that are responsive to your request.

Duplicate documents were not processed unless they contained additional substantive information



Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUL 2 6 2007

Mr. Michael Ravnitzky

Re: Appeal No. 07-1178 Request No. 1016365 ADW:CL

Dear Mr. Ravnitzky:

You appealed from the action of the Headquarters Office of the Federal Bureau of Investigation on your request for access to records pertaining to Charles de Gaulle. I note that you limited your appeal to the records withheld pursuant to 5 U.S.C. 552(b)(1).

After carefully considering your appeal, I am affirming the FBI's action on your request. Some of the information responsive to your request is classified. I am affirming the FBI's withholding of it pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. I am, however, referring this information to the Department of Justice's Department Review Committee (DRC) so that it may determine if this information should remain classified under Executive Order No. 12,958, as amended. Once the DRC completes its review, this Office will inform you if any of this information is declassified.

If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

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Janiee Galli McLeod Associate Director



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MEMORANDUM

LAS

To: Document Classification Unit

Date: 10/30/07

From:

SOSC-J2

Subject: FREEDOM OF INFORMATION-PRIVACY ACTS REQUEST

Requester: Michael Ravnitzky

Subject: Charles DeGaulle

FOIPA #: 1016365

Appeal No.: 07-1178

Captioned requester has appealed the above-mentioned FOIPA request. You will find the addendum for information withheld by the FBI under Title 5, USC, Section 552 (b)(1), by searching the FOIPA number for this request in RTS.

For information of the Document Classification Unit (DCU), the redacted version of this request is being furnished to you for classification review. The sealed/released version of this request can be viewed by searching the FOIPA number for this request in the RTS.

Additional information:

The DCU is requested to review the information under appeal to determine if continued classification is warranted under the current Executive Order. After completion of this review and/or coordination with the Department Review Committee, return this electronic folder to Disclosure.

Disclosure contact information -

Unit:

Team:

Room:

Extension:

Attention:

Ь6 Ь7С

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP 1 0 2007



Dea

Re: Appeal No. 07-0297 Request No. 1032189 ADW:SRO

You appealed from the action of the Headquarters Office of the Federal Bureau of Investigation on your request for access to records pertaining to

After carefully considering your appeal, I am affirming the FBI's action on your request. Some of the information responsive to your request is classified. I am affirming the FBI's withholding of it pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. I am, however, referring this information to the Department of Justice's Department Review Committee (DRC) so that it may determine if this information should remain classified under Executive Order No. 12958, as amended. Once the DRC completes its review, this Office will inform you if any of this information is declassified.

In addition, the FBI properly withheld certain information that is protected from disclosure under the Freedom of Information Act pursuant to:

5 U.S.C. § 552(b)(2), which concerns matters that are related solely to internal agency practices;

5 U.S.C. 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

Finally, the FBI referred four responsive documents to the U.S. Army Intelligence and Security Command and one responsive document to the National Security Agency (NSA) for processing and direct response to you. These referrals were proper and in accordance with Department of Justice regulations. <u>See</u> 28 C.F.R. § 16.4(c) (2007). If you have any questions concerning the status of these referrals, please contact the Army and NSA directly.

Ъ6 Ъ7С If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely, Geer ier

Janice Galli McLeod Associate Director



Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

DEC 1 4 2006

	3. ³ *
Re: Request No. 10321	89 -
Dear	•

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received by this Office on November 22, 2006.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **07-0297**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. We regret the necessity of this delay and appreciate your continued patience.

Sincerely,

1100

Priscilla Jones Supervisory Administrative Specialist

b6 b7C

11/22/16 p7-0297 MAA	b6
	ъ7С
Melanie Pustay, Acting Director, FOIA Appellate Authority Office of Information and Privacy United States Department of Justice 1425 New York Avenue NW Suite 11050 Washington, DC 20530-0001	
RE: FBI FOIPA Case number: 1032189-000 Subject: FBI Files November 20, 2006	
Dear Ms. Pustay:	b6
I hereby appeal the decision to withhold in part certain records from FBI Files for the following reasons.	ъ7С
 Some records were withheld under the b(1) exemption. I believe that these records are not currently and properly classified, and that the FBI may not have conducted a declassification review of these records which may have been marked classified at one time but do not reflect contemporary criteria for national security classification. Some of the records were withheld under b(2) and I believe that these records can be released, but please note that I do not request the names of FBI employees and so your response need not address or mention FBI Special Agents and employees. I believe that some or all of the records withheld under b(7) C and D were not properly withheld because these files do not reflect legitimate investigation matters and thus the b(7) exemptions do not apply. But beyond that, there are likely portions that do not fall properly or necessarily under the b(7) exemptions and should be released. 	
 I do not believe the j(2) exemption is <u>applicable</u> in this instance and should not be invoked since it is a Privacy Act exemption and is still alive and I am requesting the records on his behalf and with his express permission. There are likely segregable releasable portions to this file. 	b6 b70
I also suggest that there may be material in this file which is technically exempt but which your office has the discretion to release to help me and my family learn more about why was so intensively watched by law enforcement authorities during his life. To give us peace of mind, we beg your assistance to use your discretion in releasing as much of the otherwise exempt portions as is possible.	
For these reasons, I ask that you consider my administrative appeal and release the withheld portions FBI file to us as soon as possible.	

Sincerely,

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U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

DEC 3 0 2004 12/30/04

James H. Lesar, Esq.

Re: Request No. 943670-002

Dear Mr. Lesar:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation on your request for information from the files of the Department of Justice was received by this Office on December 27, 2004.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **05-0686**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. The necessity of this delay is regretted and your continuing courtesy is appreciated.

Sincerely,

Priscilla Jones Administrative Specialist



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b6

Ъ7С

received 1110/05

05-0686

b6 b7С

JAMES H LESAR



December 3, 2004

FREEDOM OF INFORMATION ACT APPEAL

Co-Directors Office of Information and Privacy U.S. Department of Justice Flag Building, Suite 570 Washington, D.C. 20530-0001

Re: FOIPA No. 943670-002; Miami File No. 105-1742; NY File 105-35253

Dear Sirs:

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.........

By letter dated December 1, 2004, the FBI has released records responsive to the above requests. It has withheld materials pursuant to Exemptions 1, 2, 7(C), and 7(D). I hereby appeal these withholdings.

Given the age of these records and the fact that hundreds of thousands of pages of FBI and CIA records regarding Cuba, Cuban exiles, and Fidel Castro have been released virtually unredacted under the President John F. Kennedy Assassination Records Collection Act of 1992, the extensive redactions made are unjustifiable.

Please also instruct the FBI to provide me with information regarding all referrals it has made, including the agency which the referral was made, the date of the referral, the document serial number or date, and the number of pages referred.

Sincerely yours,

James H. Lesar

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

APR 0 4 2003

Re: Appeal No. 06-3093 Request No. 948742 ADW:SRO

Dear Mr. Ravnitzky:

Mr. Michael Ravnitzky

You appealed from the actions of the Headquarters Office of the Federal Bureau of Investigation on your request for access to FBI file numbers HQ 117-268, HQ 117-192, and HQ 117-151. I regret the substantial delay in responding to your appeal.

This responds to your appeal letters dated September 2, 2006, October 9, 2006, December 1, 2006, January 6, 2007, February 5, 2007, and March 30, 2007, pertaining to interim releases by the FBI dated August 30, 2006, September 28, 2006, November 30, 2006, December 28, 2006, and January 31, 2007. I note that your appeals are limited to the Exemption 1 withholdings of the August 30 release, the Exemption 1, 5, and 7(E) withholdings of the September 28 release, the Exemption 1 and 7(E) withholdings of the November 30 release, the Exemption 1, 7(C), 7(D), and 7(E) withholdings of the December 28 release, and the Exemption 1 withholdings of the January 31, 2007 release.

After carefully considering your appeal, I am affirming, on partly modified grounds, the FBI's action on your request. Some of the information responsive to your request is classified. I am affirming the FBI's withholding of it pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. I am, however, referring this information to the Department of Justice's Department Review Committee (DRC) so that it may determine if this information should remain classified under Executive Order No. 12,958, as amended. Once the DRC completes its review, this Office will inform you if any information is declassified.

The FBI properly withheld other information that is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(2), which concerns matters that are related solely to internal agency practices;

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 50 U.S.C.A § 403, which pertains to the National Security Act of 1947 and the Central Intelligence Agency Act of 1949);

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the deliberative process privilege;

b6 b7(



Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

OCT 0 2 2006

Mr. Michael Ravnitzky	Mr.	Michael	Ravnitzky	
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Re: Request No. 948742

Dear Mr. Ravnitzky:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received by this Office on September 18, 2006.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **06-3093**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. We regret the necessity of this delay and appreciate your continued patience.

Sincerely,

Priscilla Jones Chief, Administrative Staff

Nec 6/ 9-18-06

06-3093

Ъ6 Ъ7С

September 2, 2006

Director

Office of Information and Privacy United States Department of Justice 1425 New York Avenue NW Suite 11050 Washington, DC 20530

Freedom of Information Act Appeal -

(FBI FOIPA 948742 release dated August 30, 2006 concerning "Smuggling of Atomic Bomb Into the United States")

Dear Sir:

I hereby appeal the decision to withhold certain records in the FBI's interim release of records dated August 30, 2006.

I have been informed on several occasions that an administrative appeal to be timely must be made on the occasion of each interim release rather than at the conclusion of the final release of documents, in cases like this where the agency decides to release documents in batches.

I limit this particular appeal to the records withheld under the b(1) national security exemption. I believe the records are not properly and currently classified.

Thank you for considering my appeal.

Sincerely,

Michael Ravnitzky

SEPTECS RECEIVED

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUL 3 1 2006

Re: Appeal No. 05-1729 Request No. 964132-001 BVE:ADW:NSQ

h

Dear Mr. Canning:

Mr. George Canning

You appealed from the action of the Headquarters Office of the Federal Bureau of Investigation on your request for access to records pertaining to "Blue Boar."

After carefully considering your appeal, and as a result of discussions between FBI personnel and a member of my staff, I am releasing additional portions of one page to you, a copy of which is enclosed. I am otherwise affirming the FBI's action on your request.

Some of the information responsive to your request is classified. I am affirming the FBI's withholding of it pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. I am, however, referring this information to the Department of Justice's Department Review Committee so that it may determine if this information should remain classified under Executive Order No. 12,958, as amended. You will be informed if any of this information is declassified.

The FBI properly withheld other information that is protected from disclosure under the Freedom of Information Act pursuant to:

5 U.S.C. § 552(b)(2), which concerns matters that are related solely to internal agency practices (including, in this instance, administrative markings and source symbol numbers);

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties (including, in this instance, those of investigative interest to the FBI, the names of FBI special agents and employees, and other law enforcement officials); and

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely, EL Daniel J. Metcalfe Director

Enclosure

متوصيات المجاجر والمراجع فالمتقدم أواليو n de la serie La serie de la s - · . . PAGE FOUR DE FBISF 0011 S EXR E T 61 61 670 FBI ARE INVESTIGATING THIS MATTER WITH THE FOCUS ON THE "UNAUTHORIZED DISCLOSURE OF THE MAJOB CONCERN IS THAT EVIDENCE EXISTS INFORMATION". 67C INDICATING THAT 67D 61

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JAN 11 2008



Re: Appeal No. 08-0260 Request No. 943670 ADW:SRO

Dear Mr. Lesar:

You appealed on behalf of your client, Assassination Archives and Research Center, from the action of the Miami Field Office of the Federal Bureau of Investigation on its request for access to records pertaining to anti-Fidel Castro activities. I note that your appeal is limited to the FBI's interim release dated September 28, 2007.

After carefully considering your appeal, I am affirming, on partly modified grounds, the FBI's action on your client's request. Some of the information responsive to your client's request is classified. I am affirming the FBI's withholding of it pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. I am, however, referring this information to the Department of Justice's Department Review Committee (DRC) so that it may determine if this information should remain classified under Executive Order No. 12,958, as amended. Once the DRC completes its review, this Office will inform you if any information is declassified.

The FBI properly withheld other information that is protected from disclosure under the Freedom of Information Act pursuant to:

5 U.S.C. § 552(b)(2), which concerns matters that are related solely to internal agency practices;

5 U.S.C. § 552(b)(3), which concerns matters specifically exempted from release by statute (in this instance, 50 U.S.C.A § 403 which pertains to the National Security Act of 1947 and the Central Intelligence Agency Act of 1949);

5 U.S.C. 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

ь6 ь7с

ь6 ь7с In addition, the FBI referred three responsive pages to the Department of the Army and twenty-eight responsive pages to the Department of State for processing and direct response to you. These referrals were proper and in accordance with Department of Justice regulations. See 28 C.F.R. § 16.4(c). If you have any questions concerning the status of these referrals, please contact the Department of the Army and the Department of State directly.

.2-

If your client is dissatisfied with my action on your appeal, it may file a lawsuit in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely, aucefall Afen

Janice Galli McLeod Associate Director