



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Patrick Eddington  
Cato Institute  
1000 Massachusetts Avenue NW  
Washington, D.C. 20001  
[peddington@cato.org](mailto:peddington@cato.org)

Re: Appeal Nos. DOJ-AP-2019-004066<sup>1</sup>  
Request Nos. 1433488-000<sup>2</sup>  
MWH:DRC

**VIA: FOIAonline**

Dear Patrick Eddington:

You appealed from the actions of the Federal Bureau of Investigation on your Freedom of Information Act requests for access to records concerning various organizations.<sup>3</sup> I note that you have appealed the adequacy of the FBI's searches for responsive records. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeals.

After carefully considering your appeals, I am affirming the FBI's action on your requests. The FBI informed you that it could locate no responsive main file records subject to the FOIA in its files. I have determined that the FBI's action was correct and that it conducted adequate, reasonable searches for such records. The FBI searched its automated and manual indices and Sentinel database for main files and located no responsive records. The FBI also searched for ELSUR records.

I have determined that the FBI properly refused to confirm or deny the existence of any national security or foreign intelligence records responsive to your request because the existence or nonexistence of any such responsive records is currently and properly classified. See 5 U.S.C. § 552(b)(1). Please be advised that the Department Review Committee will determine whether the existence or nonexistence of this category of records should continue to be considered a classified fact. Additionally, the existence or nonexistence of any such responsive records is protected under the FOIA pursuant to 5 U.S.C. § 552(b)(3). This provision concerns matters specifically exempted from release by a statute other than the FOIA (in this instance, 50 U.S.C. § 3024(i)(1), which pertains to the National Security Act of 1947 and the Central Intelligence Agency Act of 1949).

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<sup>1</sup> Please be advised that this response also adjudicates the following Appeal Numbers: DOJ-AP-2019-004091, DOJ-AP-2019-004535, DOJ-AP-2019-004540, DOJ-AP-2019-004550, DOJ-AP-2019-004558, DOJ-AP-2019-004564, and DOJ-AP-2019-004566.

<sup>2</sup> Please be advised that this response also relates to the following Request Numbers: 1433455, 1435872, 1435752, 1435762, 1435757, 1435813, and 1435826.

<sup>3</sup> Please be advised that this response relates to your requests for records concerning the following organizations: Campaign for Liberty, Reason Foundation, Access Now, Colectiva Legal Del Pueblo, Indivisible for Immigration, Indivisible Sausalito, Restore the Fourth, and Calyx Institute.

Regarding your requests for a cross-reference search, made for the first time on appeal, please be advised that you need to provide information sufficient to enable the FBI to determine with certainty that any cross-references it locates are identifiable to the subject of your requests. This information may include the following:

- 1) the specific circumstances in which the subject of your request had contact with the FBI;
- 2) the date(s) of such contact;
- 3) the location(s) of such contact;
- 4) names of associates of the subject of your request the mention of whom might aid in the identification of responsive records; and
- 5) other references to the subject of your request in media, such as books, articles, websites, etc.

You should provide this information to the FBI directly. While the FBI will make every effort to identify responsive cross references using any additional information that you provide, please note that the FBI may not be able to successfully identify such records even with additional information. You may appeal any future adverse determination made by the FBI.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeals were assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeals, your underlying requests, and the actions of the FBI in response to your requests.

If you are dissatisfied with my action on your appeals, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/13/2019

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Matthew Hurd, Associate Chief, for  
Sean O'Neill, Chief, Administrative Appeals Staff  
Signed by: MATTHEW HURD