

Exhibit 104



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

George E. Lepre
10 Tisbury Court
Scotch Plains, NJ 07076

Re: Appeal No. DOJ-AP-2019-005074
Request No. 1409117-000
JKD:PJA

VIA: Email

Dear George Lepre:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Leon Moses Baker. I note that your appeal concerns the FBI's refusal to confirm or deny the existence of records responsive to your FOIA request.

After carefully considering your appeal, I am affirming the FBI's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities.

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).¹

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

¹ Please note that the FBI searched for law enforcement investigative records, but properly could locate no such records.

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If you are dissatisfied with my action on your appeal, 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; 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,

9/6/2019

X 

Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: SEAN O'NEILL