

On Tuesday, April 9, 2019 at 4:09:01 PM UTC-4, Patrick Eddington wrote:

VIA ELECTRONIC MAIL

April 9, 2019

Accessioned Executive Branch Records – Washington, DC Area  
FOIA Requester Service Center: 301-837-3190  
Acting FOIA Public Liaison: Britney Crawford  
8601 Adelphi Road, Room 5500  
College Park, MD 20740-6001

Dear Ms. Crawford,

I wanted to see if I could get a reexamination of the denial of the expedited processing decision for Request 60615 before resorting to a formal appeal and possible litigation.

**Exhibit G**

As a policy analyst at the Cato Institute—an IRS-recognized 501(c)(3) education-related nonprofit—I do in fact meet criteria # 3 cited by Mr. Perosio (see correspondence below my signature block). I am personally explicitly involved in the dissemination of information to the public, as you can see from my bio page on the Cato website, which lists my numerous publications and online projects:

<https://www.cato.org/people/patrick-g-eddington>

In further justification of my request for expedited processing, I want to offer additional relevant information.

While Mr. Perosio is correct that Richard Kotoshirodo was identified and detained by American military authorities in the months after the Pearl Harbor attack, he is incorrect that the actual criminal investigation into Kotoshirodo's espionage activities prior to the Pearl Harbor attack is public knowledge. I have reviewed every major book published in the last 40 years on the Pearl Harbor attack and there is in fact no reference to the U.S. District Attorney for Hawaii's criminal investigation into Kotoshirodo's pre-war activities. As I am adjunct faculty at Georgetown University, I also have access to every major published, peer-reviewed journal (including law review journals) which would be relevant to this historical event. I have conducted a thorough search of those databases and journal articles and can state for a fact that the USAO for Hawaii investigation is mentioned in none of them.

Indeed, my review of existing relevant NARA holdings on the Kotoshirodo affair have confirmed that the only extant records on the actual criminal investigation are contained in the FBI Classification 65 and 100 files on Kotoshirodo, the latter of which is the subject of my MDR and this communication. I have confirmed that there is no Kotoshirodo file in the USAO for the District of Hawaii holdings at NARA's San Bruno facility (via email from Archivist William Greene, NARA/San Bruno, April 8, 2019). The Classification 100 file on Kotoshirodo, 100-HN-185, contains (according to Mr. Perosio) material spanning December 1940 to September 1958. This is of note as the Classification 65 Kotoshirodo files shows that the USAO for the Hawaiian District declined prosecution in early 1944, citing the expatriation of a material witness to Japan. Accordingly, the Classification 100 file at issue here is of enormous importance and media interest for the following reasons:

1. Given the apparent destruction of the USAO for the Hawaiian District's Kotoshirodo file, the FBI's Classification 65 Headquarters file and the Classification 100 Honolulu Field Division/Field Office file are among the few remaining government records on this episode. That fact makes the still-classified Classification 100 file on Kotoshirodo of extreme historical significance.
2. If the USAO declined to prosecute Kotoshirodo under the Espionage Act or related statutes, why did the FBI continue to monitor or otherwise investigate Mr. Kotoshirodo for 14 years after the USAO's declination? If the ongoing surveillance and investigation was not supported by a valid criminal predicate, such surveillance and investigation would, by definition, be unconstitutional, thus calling into question the integrity of Department of Justice and FBI activities in the Kotoshirodo case.
3. The FBI Special Agent in Charge of the FBI Honolulu office from August 1939 until 1942 was Robert Shivers. In December 1941, Shivers testified to the commission chaired by Associated Supreme Court Justice Owen Roberts that the Navy had the primary responsibility pre-war for monitoring the Japanese population in the Hawaiian Islands. That statement was demonstrably false, as existing FBI Honolulu Field Division/Field Office reports in NARA holdings (RGs 38, 165, and 181, respectively) reviewed by me clearly show (specific report information available upon request). Mr. Perosio's confirmation that the Classification 100 Kotoshirodo file has material dating from December 1940 is further proof that Shivers' statement was false, directly raising questions about the integrity of the FBI's investigative conduct, both in the pre-war period and in

The truth about the full extent of Kotoshirodo's activities, the Department of Justice's failure to bring him to trial, and the FBI's subsequent false statements to the first major Pearl Harbor attack investigative body quite literally call into question the entire narrative about how and why the Imperial Japanese Navy was able to pull off the attack successfully. It also sheds important light on a completely unexamined aspect of the Pearl Harbor disaster: the FBI's demonstrable counterintelligence failure in the Kotoshirodo case, the potential cover up of that failure after the attack, and the apparent ongoing surveillance and investigation of an American in the absence of a valid criminal predicate.

For all of the above reasons I respectfully ask that my request for expedited processing in this case be granted.

Should you deem it worthwhile, I am happy to come to A2 to discuss this matter further in person.

My thanks for your time and consideration.

Sincerely,

Patrick G. Eddington  
Policy Analyst, Homeland Security and Civil Liberties  
Cato Institute  
1000 Massachusetts Ave, NW  
Washington, DC 20001  
[peddington@cato.org](mailto:peddington@cato.org)  
571-215-3468 (cell)  
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