

April 22, 2019

VIA FOIA ONLINE PORTAL

Office of Information Policy (OIP)
United States Department of Justice
Suite 11050
1425 New York Avenue, NW
Washington, D.C. 20530-0001

To the responsible FOIA/PA official:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I hereby appeal the adequacy of the search conducted regarding my Privacy Act request 1433507-000).

In its response to me, the FBI did not indicate that it had searched any cross-reference files or electronic surveillance (ELSUR) files for responsive records, or that it had queried FBI field offices for potentially responsive documents. Accordingly, the FBI's initial search was inadequate, and I appeal the denial on that basis.

As to any records located in investigative files for pending investigations, the FBI may not assert Exemption 7(A) without conducting a document-by-document review to determine whether release of the records would interfere with ongoing law enforcement proceedings.

The United States District Court for the District of Columbia recently "remind[ed] the FBI of its obligation to conduct record-level reviews at the administrative level before refusing to produce records contained in its investigative files." *Tipograph v. Dep't of Justice*, 83 F. Supp. 2d 234, 236 (D.D.C. Mar. 18, 2015).

In order to help to determine my status to assess fees, you should know that I am a policy analyst and scholar at the Cato Institute, an IRS-recognized 501(c)(3) nonprofit educational and public interest organization. As I am employed by an educational or noncommercial scientific institution, this request is made for a scholarly or scientific purpose and not for a commercial use. **I request a waiver of all fees for this request.**

Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

Whenever possible, please provide the requested information in electronic Portable Document Format (PDF).

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I would appreciate your communicating with me by email or telephone, rather than by mail. My email address is peddington@cato.org and my cell number is 571-215-3468.

Please provide expedited processing of this request which concerns a matter of urgency.

As a civil liberties policy analyst, I am primarily engaged in disseminating information. I have an urgent need for information about the extent of FBI records concerning myself, particularly though not exclusively as they pertain to my time in the federal government (the U.S. Army/Missouri National Guard, CIA, and House of Representatives), as well as my time as a scholar working at the Cato Institute. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

I look forward to your determination regarding my request for expedited processing within 10 calendar days, as the statute requires.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick G. Eddington". The signature is fluid and cursive, with the first name "Patrick" being the most prominent part.

Patrick G. Eddington
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