

21
Bernard Fensterwald, Jr., Esq.
Fensterwald & Associates
2101 L Street, NW
Washington, DC 20057

27 MAR 1980

Dear Mr. Fensterwald:

Your letter of 19 March 1980 was received on 21 March 1980.

This letter set forth an appeal submitted on behalf of your client, Mr. Gary Shaw, with respect to four Freedom of Information requests listed in your letter as follows:

1. On March 9, 1978, Mr. Shaw requested "all records, information and photographs pertaining to Jean Souetre, aka Michal Roux, aka Michal Hertz." (Note: reference our request number F78-436.)

2. On May 8, 1979, Mr. Shaw requested all records relating to Michael Victor Mertz and Christian David, giving descriptive material relating to both individuals. (Note: reference our request number F79-505.)

3. On August 31, 1979, Mr. Shaw requested a copy of a cited photograph of Mr. Souetre. (Note: reference our request number F79-912.)

4. On May 7, 1979, Mr. Shaw requested access to all records on Thomas Eli Davis III, deceased. (Note: reference our request number F79-456.)

With respect to request (1) above, please be advised that Mr. Shaw, by a letter of 14 April 1978, submitted an administrative appeal of this request based upon the lack of a timely and substantive response. This appeal is currently being processed. For the record, it is noted that this request was originally submitted by a letter dated 22 February 1978, which referenced document 632-796 and

Civil Action 80-1056
EXHIBIT H

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specifically requested the (cited) photograph of Captain Souetre as well as further information about this individual. Additional information was provided by Mr. Shaw's 9 March 1978 letter which rephrased his request for "all records, information and photographs pertaining to Jean Souetre."

When request (3) above was received, we failed to identify the requested material (a copy of the photograph of Captain Souetre referred to in document 632-796) as part of the material previously requested by Mr. Shaw in (1) above. Inasmuch as this photograph is an integral part of the earlier request, (1) above, which is already under appeal consideration, this request has been cancelled as being duplicative.

Requests (2) and (4) above are both unique and valid FOIA requests to which a substantive response has not been rendered within the stipulated time frame, and to which no previous FOIA appeal has been addressed. Accordingly, arrangements will be made for consideration of these two appeals by the Information Review Committee.

As you may be aware, we have a backlog of over 400 appeals. In order to process these appeals in the most equitable manner possible, we have adopted the policy of handling the appeals on a first-received, first-out basis. Please be assured, however, that your appeal will be processed as quickly as possible. You will be advised on the outcome as soon as our processing has been completed.

Sincerely,

Charles E. Savige

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Acting Information and Privacy Coordinator

IPD/AEF/slh 25 March 80

Distribution:

Orig - Adse

- 1 - IPD Chrono
- 1 - IPD F78-436 (open appeal)
- 1 - IPD F79-912 log & close (cancelled)
- 1 - IPD F79-505 Ack appeal (copy for each appeal pkg)
- ① - IPD F79-456 ack appeal (copy for each appeal pkg)