



U.S. Department of Justice
Drug Enforcement Administration

NOV 1 1983

Washington, D.C. 20537

Request Number 83-1523-P Subject of Request ALLEN, MARK

Dear Requester:

Your Freedom of Information/Privacy Act request seeking information from the Drug Enforcement Administration has been processed. The paragraphs checked below apply:

The DEA Investigative Reporting and Filing System, which contains information you seek, is exempt from the access and accountability provisions of the Privacy Act of 1974 (5 USC 552a (j)(2)). However, as a matter of administrative discretion, any documents which are exempt from access under the Privacy Act are also processed under the provisions of the Freedom of Information Act (5 USC 552). Through this procedure, requesters receive the greatest degree of access authorized by both laws.

A determination has been made to deny your request pursuant to subsections of the Freedom of Information Act referenced at the end of this letter. The exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. An attachment to this letter explains these exemptions in more detail.

The processing of your request identified certain materials which will be released to you. Portions not released are being withheld pursuant to the Freedom of Information Act (5 USC 552) and the Privacy Act (5 USC 552a). Please refer to the list at the end of this letter; the exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. An attachment to this letter explains these exemptions in more detail.

During the course of an investigation, the subpoenaed telephone number was possibly the originator or the recipient of a call from the subject of an investigation. As an occasionally utilized investigative procedure, the toll records for such telephones are subpoenaed in order to investigate any possible connection with the subject of the investigation. All that DEA receives in these cases are copies of monthly long-distance bills and the issuance of a subpoena reflects neither any involvement nor any knowledge of criminal activity by the telephone subscriber.

The document reproduction and/or search fees have been waived and the documents are being forwarded to you with this letter.

The rules and regulations of the Drug Enforcement Administration applicable to Freedom of Information Act requests are contained in the Code of Federal Regulations, Title 28, Part 16, as amended. They are published in the Federal Register and are available for inspection by members of the public.

Certain DEA documents contained information furnished by another government agency. DEA is in the process of consulting that agency before granting access to the documents. You will be notified if more material available for release results from that consultation.

Certain DEA files contain information which was furnished by another government agency or agencies. That information and a copy of your request have been referred for a decision as to access and the agency or agencies involved will respond directly to you.

EXPLANATION OF EXEMPTIONS

Subsections of Title 5, United States Code, Section 552

- (b)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (b)(2) Materials related solely to the internal rules and practices of DEA.
- (b)(3) Information specifically exempted from disclosure by statute.
- (b)(4) Privileged or confidential information obtained from a person, usually involving commercial or financial matters.
- (b)(5) Inter-agency or intra-agency documents which are not available through discovery proceedings during litigation; or documents the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction; or which represent the work product of an attorney-client relationship.
- (b)(6) Materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- (b)(7) Investigatory records compiled for law enforcement purposes, the disclosure of which would : (A) interfere with law enforcement proceedings, including pending investigations; (B) deprive a person of the right to a fair trial or an impartial adjudication, or give one party to a controversy an undue advantage by exclusive access to such information; (C) constitute an unwarranted invasion of the personal privacy of another person; (D) reveal the identity of an individual who has furnished information to DEA under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to DEA by overt means; (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness; or (F) endanger the life or physical safety of law enforcement personnel.
- (b)(8) Information collected by Government regulatory agencies from financial institutions.
- (b)(9) Geological and geophysical information, including maps, produced by private companies and filed by them with Government agencies.

Subsections of Title 5, United States Code, Section 552a

- (j)(2) Material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest.
- (k)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (k)(2) Material compiled during civil investigations for law enforcement purposes and which would reveal the identity of an individual who has furnished information pursuant to a promise that his identity would be held in confidence.
- (k)(3) Material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056.
- (k)(4) Required by statute to be maintained and used solely as statistical records.
- (k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence.
- (k)(6) The substance of tests used to determine individual qualifications for appointment or promotion in Federal Government service.
- (k)(7) Material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

If you wish to appeal any denial of your request, you may do so within thirty (30) working days pursuant to 28 CFR 16.47. The appeal should be sent to the following address, with the envelope marked "FOIPA Appeal":

Assistant Attorney General
Office of Legal Policy
United States Department of Justice
Washington, D. C. 20530
Attention: Office of Privacy and Information Appeals

If you wish to appeal any denial of your request, you may do so within thirty (30) days pursuant to 28 CFR 16.7. The appeal should be sent to the following address, with the envelope marked "FOIPA Appeal." Judicial review will thereafter be available either in the District where you reside or have a principal place of business, in the District where the records are maintained, or in the District of Columbia.

Assistant Attorney General
Office of Legal Policy
United States Department of Justice
Washington, D. C. 20530
Attention: Office of Privacy and Information Appeals

For further information, see attached Comments page.

Very truly yours,
FRANCIS M. MULLEN, JR.
Administrator

Paul Brown
by PAUL BROWN, Chief
Freedom of Information Section

Applicable sections of the Freedom of Information and/or Privacy Acts:

Freedom of Information Act			Privacy Act	
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(6)	<input type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (d)(5)	<input type="checkbox"/> (k)(4)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (b)(7)(F)	<input checked="" type="checkbox"/> (j)(2)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(3)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(1)	<input type="checkbox"/> (k)(6)
<input type="checkbox"/> (b)(4)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(2)	<input type="checkbox"/> (k)(7)
<input type="checkbox"/> (b)(5)	<input checked="" type="checkbox"/> (b)(7)(D)		<input type="checkbox"/> (k)(3)	

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November 4, 1948

[REDACTED] was called long distance from Chicago, Illinois, in August, 1947, by PAUL ROLAND JONES who was arrested on August 28, 1948, in Laredo, Texas, by Customs Agents who seized approximately fifty two pounds of opium which Jones had smuggled into the United States through the use of his private airplane.

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