

JAMES H. LESAR
ATTORNEY AT LAW
910 SIXTEENTH STREET, N. W. SUITE 600
WASHINGTON, D. C. 20006
TELEPHONE (202) 223-5587

FREEDOM OF INFORMATION/PRIVACY APPEAL

Mr. Peter Flaherty
Deputy Attorney General
U.S. Department of Justice
Washington, D.C. 20530

December 3, 1977

Dear Mr. Flaherty:

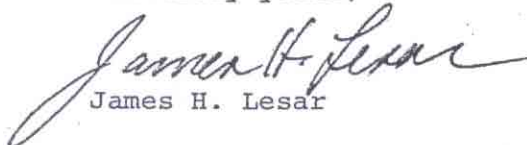
By letter dated November 16, 1977, the FBI's Milwaukee Field Office has informed me that it has excised certain information from a document furnished me on grounds that it is exempt under 5 U.S.C. §552(b) (7) (D).

I hereby appeal the denial of this access to information.

The threshold test for invoking exemption 7 requires that the record was compiled "for law enforcement purposes." The record in question here is an anti-war newsletter which was circulated on the University of Wisconsin campus in 1966. It was apparently provided by someone on the mailing list.

In considering this appeal, I request that you inform me of the law enforcement purpose for which this record was compiled. If this record was compiled during the course of a criminal investigation, I wish to know the specifics of that investigation, including the federal statute allegedly violated and the identities of the persons against whom the investigation was directed. If the record was compiled during the course of a national security intelligence investigation, I wish to know the authority under which the investigation was taken and the nature of the information which was used to justify it.

Sincerely yours,


James H. Lesar



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Post Office Box 2058
Milwaukee, Wisconsin 53201
November 16, 1977

Mr. James Hiram Lesar
Attorney-at-Law
910 Sixteenth Street, N. W.
Suite 600
Washington, D. C. 20006

Dear Mr. Lesar:

This is in reference to your letter to our Milwaukee Federal Bureau of Investigation (FBI) Office, dated November 4, 1977, requesting information in our records pertaining to you.

Your request has been considered in light of the provisions of both the Freedom of Information Act (FOI) (Title 5, United States Code, Section 552) and the Privacy Act of 1974 (Title 5, United States Code, Section 552a).

Contact with our FBI Headquarters in Washington, D. C., regarding your request has disclosed that documents pertaining to a suitability-type investigation for the Peace Corps have previously been processed and furnished to you by them. In this respect, documents in the Milwaukee files which have previously been furnished to our Headquarters will not be processed by the Milwaukee Office. Only documents pertaining to you which have not been furnished to our Headquarters have been processed and are enclosed with this letter. One document pertaining to the Peace Corps suitability investigation is being furnished to you without any deletions.

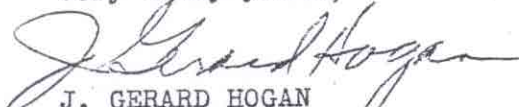
One other document consisting of three pages (back and front) is also being furnished you; however, excisions have been made from this document in order to protect materials which are exempt from disclosure by the following subsection of Title 5, United States Code, Section 552:

- (b)(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would


- (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source.

You have thirty days from receipt of this letter to appeal in writing to the Deputy Attorney General, United States Department of Justice, Washington, D. C. 20530 (Attention: Privacy Appeal - Denial of Access).

Very truly yours,



J. GERARD HOGAN
Special Agent in Charge

By: 
RAYMOND S. BYRNE
Supervisor

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