

FOIA APPEAL

5885 Edenfield Rd., Apt. B-29
Jacksonville, Fla. 32211

October 14, 1977

Lilburn E. Boggs
Deputy Director
U.S. Secret Service
Department of the Treasury
Washington, D.C. 20223

Dear Mr. Boggs:

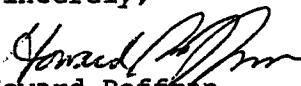
This is in reference to your letter dated September 21, 1977, denying my appeal of a denial of records by S.A. Thomas A. Trombly.

You have invoked Exemption (b) (5) with respect to three documents and a deletion on a letter from Harold Weisberg dated June 2, 1969.

As a prelude to my seeking judicial review of this determination, I request that you furnish me with certain information: The dates of the three withheld documents, their author and to whom they were sent, and their length in pages. I request the same information (except, of course, number of pages) with respect to the deletion on the Weisberg letter.

Since this information would be available to me on discovery, I hope you will cooperate by furnishing it prior to my filing suit.

Sincerely,


Howard Roffman

DEPARTMENT OF THE TREASURY
UNITED STATES SECRET SERVICE

WASHINGTON, D.C. 20223

OFFICE OF THE DIRECTOR



SEP 21 1977

Mr. Howard Roffman
5885 Edenfield Road, Apt. B-29
Jacksonville, Florida 32211

Dear Mr. Roffman:

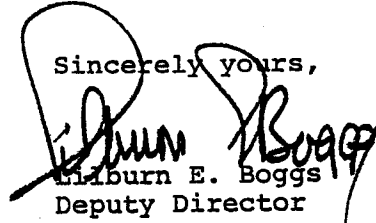
Reference is made to your letter received August 22, 1977 appealing a decision of Mr. Thomas A. Trombly, Freedom of Information Officer, United States Secret Service, denying you certain information under the Freedom of Information Act. Treasury regulations regarding administrative appeals of initial denials by the United States Secret Service vest the review authority in the Deputy Director of the Secret Service (31 Code of Federal Regulations, Subtitle A, Part 1, Appendix D and 40 Federal Register 49089, dated October 21, 1975).

The records and correspondence pertinent to your appeal have been reviewed. In his response of August 3, 1977, Mr. Trombly supplied you with six of the seven documents you requested in your letter received July 27, 1977. The Secret Service does not have copies of the November 3, 1969 letter. Concerning Mr. Trombly's letter of July 19, 1977, I have determined that one of the exemptions claimed by Mr. Trombly was proper. Pursuant to Subsection (b)(5), three documents and the deletion on the Weisberg letter of June 2, 1969 are being withheld since they contain inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Secret Service. The above cited exemption is not to be construed as the only exemption which may be applicable to this information under the Freedom of Information Act.

Any denial on appeal is subject to judicial review in the District Court in the district where the complainant resides, has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

For the purpose of appeals of initial denials under the Freedom of Information Act, the undersigned is the official making this determination for the United States Secret Service.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Wilburn E. Boggs". The signature is written in a cursive style with a large initial "W".

Wilburn E. Boggs
Deputy Director

Attachment