

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JAMES LUTCHER NEGLEY	§	
Plaintiff	§	
v.	§	CIVIL ACTION NO.
	§	SA-12-CV-362-OLG
	§	
FEDERAL BUREAU OF	§	
INVESTIGATION,	§	
Defendant	§	

PLAINTIFF'S RESPONSE TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

EXHIBIT E



U.S. Department of Justice
United States Attorney
Western District of Texas

JUN 20 2012

JOHN F. CARROLL

Robert Shaw-Meadow
Assistant United States Attorney

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June 19, 2012

VIA: Regular U.S. Mail and E-mail

John F. Carroll
Attorney at Law
111 West Olmos Drive
San Antonio, Texas 78212

RE: James Lutchter Negley v. Federal Bureau of Investigation;
Civil Action No. SA-12-CV-0362-OLG; USDC W.D.TX (San Antonio Division)

Dear John:

This letter is in response to your letter dated June 11, 2012 related to questions regarding the FBI's file classifications.

As you indicated in your letter, the FBI's current file classification list is provided on its FOIA website. This list contains the file classifications applicable to the files identified as responsive to plaintiff's FOIA request at issue in this litigation.

In determining the file classification of an FBI file, the operative numbers are the first numbers of the file which indicate the nature of the records in that particular file. For example, in the 190-SA-C-14 file referenced in your letter (which should actually read 190-SA-C1-4) the nature of the file is determined by the "190" number. As indicated on the file classification list, a "190" file pertains to a Freedom of Information Act/Privacy Request. The "SA" indicates that this is a San Antonio Field Office file and the remaining numbers in the file number reference the San Antonio Field Office's administrative means of managing and tracking the FOIA requests placed in this file. As is obvious from the records provided to plaintiff from this file (Negley-805-FOIPA through Negley-816-FOIPA), the records pertain to the FOIA request submitted by plaintiff to the San Antonio Field Office. While you are correct that an FBI investigation related to sedition would bear the file classification number "14," the relevant classification number is the first number listed (190), not the last number in the sequence, which is assigned by the local field office, as explained above. There are no FBI sedition files regarding Mr. Negley. As we have explained, all substantive investigation files pertaining to Mr. Negley have already been turned over, and the remaining documents to be processed which are at issue in this litigation are

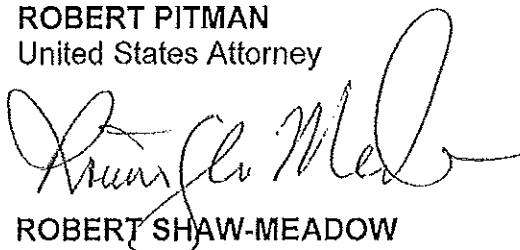
administrative or litigation files which do not contain any new investigative information touching on Mr. Negley.

Lastly, your letter correctly identifies the locations associated with the field office abbreviations listed in the FBI file numbers referenced in paragraph 7 of the Complaint.

I hope this letter addresses your concerns and will obviate any perceived need for formal discovery in this case. I am available this week to further discuss the Scheduling Order we proposed on June 8th for submission to the Court.

Sincerely,

ROBERT PITMAN
United States Attorney

A handwritten signature in cursive script, appearing to read "Robert Shaw-Meadow", written in black ink.

By:

ROBERT SHAW-MEADOW
Assistant United States Attorney