

EXHIBIT 5

JOHN F. CARROLL
ATTORNEY AT LAW
111 WEST OLMOS DRIVE
SAN ANTONIO, TEXAS 78212

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6/12/12
008

TELEPHONE: (210) 829-7183

FACSIMILE: (210) 829-0734

FACSIMILE TRANSMISSION

TO: Robert Shaw-Meadow
Assistant U.S. Attorney

FAX NO.: (210) 384-⁷³¹²~~7132~~

FROM: John F. Carroll

DATE: 6/11/12

OPERATOR: Molly M. Matthews
IF THERE IS A PROBLEM WITH THIS TRANSMISSION,
PLEASE CONTACT THE OPERATOR AT (210) 829-7183

NO. OF PAGES: 3

RE: Case No. SA-12-CV-00362-OLG; *James Lutcher Negley v. Federal Bureau of Investigation*, United States District Court for the Western District of Texas

MESSAGE: Please see attached letter.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY/CLIENT PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE NAMED RECIPIENT OR THE INDIVIDUAL OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT. YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY THE OPERATOR BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO THIS OFFICE AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

THANK YOU

JOHN F. CARROLL
ATTORNEY AT LAW
111 WEST OLMOS DRIVE
SAN ANTONIO, TEXAS 78212

TELEPHONE: (210) 829-7183

FACSIMILE: (210) 829-0734

June 11, 2012

Mr. Robert Shaw-Meadow
Assistant United States Attorney
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216

Re: Case No. SA-12-CV-00362-OLG, *James Lutcher Negley v. Federal Bureau of Investigation*, United States District Court for the Western District of Texas

Dear Mr. Shaw-Meadow,

In order to evaluate the need for discovery in the above referenced matter and Mr. Negley's position regarding the matters to be addressed in a scheduling order in this case, we request that the Government respond to the following inquiries:

1. Is the FBI file classification list published on the FBI's FOIA website at <http://www.fbi.gov/foia/current-fbi-file-classification-list-1st-quarter-fy2008> and referred to in paragraph 7 of the Complaint filed by the Plaintiff in this case the a correct listing of FBI file classifications as utilized by David M. Hardy in his letter dated July 16, 2010 attached to the Complaint as Exhibit "C"?
2. Does the file designation number 14 represent an investigation of sedition?
3. Is file number 190-SA-C-14 a file representing an investigation of sedition?
4. Do the letters in the file numbers referred to in paragraph 7 of the Complaint filed by the Plaintiff in this case represent locations as follows:

No.	File Number	Location
1	197A-SC-35435	Sacramento

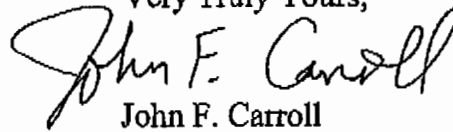
Mr. Robert Shaw-Meadow
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2	190-SD-C60287	San Diego
3	190-LA-C2-E	Los Angeles
4	190-HQ-C1189353	Headquarters
5	190-NO-C266	New Orleans
6	62-HQ-C1077229	Headquarters
7	190-SA-C-14	San Antonio
8	190-MM-C1-B	Miami
9	190-SC-33911	Sacramento
10	190-SF-0	San Francisco
11	197A-SF-A-135225	San Francisco
12	263-HQ-0	Headquarters
13	149A-SC-C27507	Sacramento
14	149A-SF-106204-S	San Francisco
15	149A-SF-106204	San Francisco

As time is of the essence in order to prepare a scheduling order as ordered by the Court, please respond within three (3) days.

Very Truly Yours,



John F. Carroll

JFC:mm



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

Robert Shaw-Meadow
Assistant United States Attorney

601 N.W. Loop 410, Ste. 600
San Antonio, Texas 78216

Telephone: (210) 384-7355
Facsimile: (210) 384-7312

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 Lutcher 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.

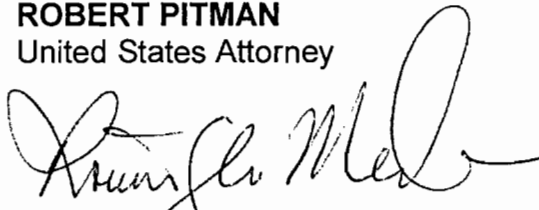
Lastly, your letter correctly identifies the locations associated with the field office abbreviations listed in the FBI file numbers referenced in paragraph 7 of the Complaint.

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

By:

A handwritten signature in black ink, appearing to read "Robert Shaw-Meadow", written over a printed name.

ROBERT SHAW-MEADOW
Assistant United States Attorney