

SCOTT A. HODES, ATTORNEY AT LAW

POST OFFICE BOX 42002
WASHINGTON, DC 20015
WWW.INFOPRIVACYLAW.COM

MEMBER DC AND MD BARS

INFOPRIVACYLAW@YAHOO.COM

(301) 404-0502

February 8, 2018

Benton Peterson
Assistant United States Attorney
555 4th Street, N.W.
Washington, D.C. 20530

Dillon v. DOJ, No. 17-01716 (RC)

Dear Mr. Peterson:

As you know, in the above-captioned case your client, the Federal Bureau of Investigation, has claimed to have completed its processing of the responsive records.

Mr. Dillon's position is that the invoked exemptions for the IMCS do not apply to the withheld information and that the search for emails was not adequate. For your information, the FOIA requests at issue sought:

1.) The Table of Contents of IMCS and the material pertaining to Bruce Ivins (FOIPA No. 1329350); and

2.) Ivins's emails to or from Patricia Fellows and Mara Linscott; and Laboratory Notebook No. 4282 (FOIPA No. 1327297-001).

Only one email from September-October 2001 was located and released. However, as to the Ivins's emails, there are examples of unreleased emails from Bruce Ivins to his assistant Mara Linscott that are publicly known (the source of the knowledge is included herein). They are 1.) September 15, 2001 Mara Linscott (Dellaferra Affidavit in support of search of Ivins residence); 2.) September 26, 2001--Mara Linscott (Dellaferra Affidavit); and 3.) October 3, 2001--Mara Linscott (*Amerithrax Investigative Summary*).

My client demands that the FBI explain the universe of emails that are available and if any information was destroyed. Examples of additional known Ivins emails that should have been released in response to Mr. Dillon's 2015 FOIA request also include a September 6, 2001 email to Rick Sams (David Willman, *The Mirage Man*, p. 376, n. 6) and a September 21, 2001 email to Nancy Haigwood (Willman, p. 131).

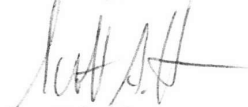
The FBI should locate, and release these emails and identify all emails still being withheld, which should include at the very least, a second email to Nancy Haigwood (and numerous other recipients). Misled by the FBI's earlier statement that it had conducted a search and had found no responsive records, Mr. Dillon narrowed his

February 8, 2018

request in his letter of December 22, 2016. This despite the fact that the former head of the Amerithrax investigation Richard Lambert has stated that there is "a wealth of exculpatory evidence" regarding Bruce Ivins. The FBI's search in response to Dillon's 2015 request and appeal for a full range of documents related to Ivins from September-October, 2001 was clearly inadequate as was the search for his narrowed request.

I look forward to hearing from you so that we can discuss either further searches and releases of responsive information from the FBI or the schedule for the briefing of these issues. My client will demand, as is his right, a Vaughn Index for both the requested IMCS material and the requested September-October, 2001 emails between Bruce Ivins and his assistants

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott A. Hodes", with a stylized, flowing script.

Scott A. Hodes