

To FOIA Appeals Officer:

You are receiving this correspondence as a request under the Freedom of Information (FOIA) Act, 5 U.S.C. subsection 552. I am appealing the following:

On February 1, 2022, I submitted FOIA request 1518590-000 via MuckRock, attached, seeking all Federal Bureau of Investigation (FBI) records on Eugene Robert Brown (aka Eugene R. Brown). At that time, I included both demographic information identifying his dates of birth and death (September 4, 1940 -March 12, 2011) and a copy of his obituary, also attached. Both items identified Mr. Brown as deceased.

On February 4, 2022, I received a final response letter from the FBI rejecting my request. The rejection letter cited, per the document, "FOIA exemptions (b)(6) and (b)(7)(C), 5 U.S.C. §§ 552 (b)(6) and (b)(7)(C)." It went on to state: "The mere acknowledgement of the existence of FBI records on third party individuals could reasonably be expected to constitute an unwarranted invasion of personal privacy." I am appealing this decision because these exemptions are not applicable in this case.

Per the Privacy Act of 1974, the right of privacy is extended to living persons as this right is considered a personal right, but this same right is not extended to the deceased. In limited circumstances, the government may exempt information on deceased persons only when there exists privacy concerns for surviving family members. Given the nature of FOIA request 1518590-000, exemptions (b)(6) and (b)(7)(C) would not apply in either instance.

Eugene Robert Brown passed away on March 12, 2011, hence he is no longer a living person and has no expectation of privacy or any subsequent right to it. In my initial request, I attached a copy of an obituary from the Coffelt Funeral Home, in San Point, Idaho, and included a link to the obituary from the funeral home's website, which I reproduce here: <https://www.coffeltfuneral.com/obituary/1102108>.

The obituary clearly identifies "Eugene R. Brown" in the first paragraph. We can be certain this is the same Eugene Brown because in my initial request I state that Mr. Brown was a reporter for the Anaheim Bulletin, a fact corroborated in paragraph seven of the Coffelt obituary. The obituary reads: "Gene next took a job as a cub reporter and photographer at a local conservative Anaheim newspaper."

Additionally, paragraph nine of Mr. Brown's obituary states that his spouse, a Carla Brown, passed in 2007. I am now also attaching an obituary for Carla Marie Brown (January 05, 1949 - December 22, 2007). Neither Mr. nor Mrs. Brown's obituaries identify any children. Mrs. Brown was also interred at Coffelt Funeral Home: <https://www.coffeltfuneral.com/obituary/174920>.

With the understanding that Mr. Brown is deceased and has no known living relatives, there is no justification to withhold records under the cited exemptions. Beyond that, my initial request made clear a compelling public interest for this information: Mr. Brown was part of an investigation into a domestic terrorist organization, the Secret Army Organization (SAO), with connections to a federal agency. Much of the information on the SAO has already been made public in the John F. Kennedy Assassination Records Collection at the National Archives as part

of releases coordinated in 2017, 2018, and 2021. Mr. Brown's connection to this group, however, is still unclear, as he never faced charges for a series of bombings planned with SAO leader Jerry Lynn Davis (aka Sam Davis) in 1971. Given that another SAO leader and FBI informant, Howard Berry Godfrey, has admitted in public testimony that the SAO received indirect financial support from the FBI in this period, and that the previously released SAO files identify Mr. Brown by name, it is incumbent upon the FBI to produce any records it may have on Mr. Brown and other known SAO associates.

Finally, the request for a fee waiver was not addressed in the February 4, 2022 rejection letter and I am renewing my request for a fee waiver. I am a member of the news media, with bylines including CovertAction Magazine, Philly Voice, and Atlas Obscura. Please take note of the Office of Management and Budget guidelines published March 27, 1987 (52 FR 10012) that include electronic publications and other nontraditional publishers as representatives of the news media.

Thank you for your prompt response to this appeal. I appreciate the work that the FBI's Information Management Division does in processing FOIA requests and disseminating eligible material. As provided in 5 U.S.C. subsection 552(a)(6)(A)(ii), I anticipate that you will produce responsive documents within twenty (20) working days of receipt of this appeal.

Sincerely,

Robert Skvarla, Jr.