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Yale University  
Department of History  
Box 208324  
New Haven, CT 06520-8324  
4 July 2005

Mr. Scott Koch  
Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, DC 20505

Reference: F-2005-01185 (Jozef Swiatlo)

Dear Mr. Koch:

This is an appeal pursuant to subsection (a)(6) of the Freedom of Information Act as amended (5 U.S.C. 552). Your letter of 1 June notes a search of a computerized system of previously released material, which produced material which, by its nature, confirms the generally known fact that the CIA had substantial contact with Mr. Swiatlo, but which is of no further interest. As to further materials, you refer generally to exemptions b(1) and b(3).

The CIA has in effect withheld all material relevant to my request. Even if some relevant material were indeed covered by these exemptions (a point which I do not concede), the CIA is obligated by law to search and segregate materials. The FOIA provides that "any reasonably segregable portion of a record shall be provide to any person requesting such record after deletion of the portions which are exempt. There must be segregable portions which do not fall within the FOIA exemptions and which must be released.

Mr. Swiatlo, according to encyclopedias, died in May 1983, more than twenty years ago. His significance to US or other intelligence agencies dates the early years of the Cold War, the 1950s, a half century ago. These are now matters of historical rather than national security interest, hence my request. Mr. Swiatlo and those who handled him are no longer active, sources and methods relevant in the 1950s are no longer so at the present moment. Should there be exceptions, documents can, according to the FOIA, may be segregated or portions can be deleted.

Please reconsider these exemptions and your determination. Should you not supply me with the material requested, I would ask that you provide me a list of such, material, together with the justification for the denial of each withheld item.

Understand that I am not fencing with you about the nature of the Act. Its major purpose, as we both know, is to allow and further the public discussion of significant events. The history of the early Cold War, one of the most important moments of American history, is now being rewritten, largely on the basis of sources from the former Soviet Union and onetime allies. As a historian, it is my disciplinary obligation to seek as balanced a source base as possible. But I would note that it may not be in the interest of the United States for history to be revised predominantly on the basis of communist sources.

Yours sincerely,

[Redacted Signature]

Timothy Snyder  
Associate Professor

(b)(6)

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