

ATTACHMENT

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CIVIL ACTION NUMBERS:

82-1602
82-2108
82-2109
82-2110
82-2128
82-2130
82-2156
82-2379
82-2522
82-2523
82-2679
82-2680



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

June 23, 1982

Bernard Fensterwald, Jr.
Fensterwald and Associates
Suite 900
Twin Towers Building
1000 Wilson Boulevard
Arlington, Virginia 22209

Dear Mr. Fensterwald:

Reference is made to your numerous Freedom of Information-Privacy Acts (FOIPA) requests, on behalf of your clients Mr. J. Gary Shaw of Cleburne, Texas and Mr. Mark Allen of Washington, D.C. It has been noted by you that each of your requests relates directly or indirectly to our investigation of the assassination of President John F. Kennedy. We have placed each of your requests into a specific category for administrative purposes. This placement was based on our review of each of your request letters and these administrative categories are as follows:

A) Requests pertaining to ascertainable events, items, organizations or known deceased individuals for which a search of the indices to our central records system at FBI Headquarters (FBIHQ) is being conducted.

B) Requests pertaining to persons or events for which a search reveals that we do not have a record.

C) Requests pertaining to organizations which are inadequately identified for the purpose of searching the indices to our central records system.

D) Requests pertaining to individuals presumed to be alive.

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E) Requests pertaining to individuals whom you assert, in your request letters, to be deceased, but for whom no supportive evidence of death has been furnished.

Each of the above-listed categories will be more fully discussed in this letter.

CATEGORY A REQUESTS

In response to these requests, please be advised that a complete and thorough search of the indices to our central records system is being conducted. Following the search, if there is no indication of the existence of the records you seek, you will be so advised. If we have the records you seek, all documents which can be released will be made available at the earliest possible date. These requests are as follows:

<u>REQUEST NUMBER</u>	<u>SUBJECT</u>
224,134	W. Guy Bannister
224,746	Visit by De Gaulle to Mexico City (March, 1964)
224,747	Attempts on life of De Gaulle (1961-64)
224,831	Attendance of De Gaulle at JFK funeral
224,856	Anti-Gaullist activities in the Western hemisphere (1960-64)
224,950	Independence movements in Guadeloupe and Martinique (1960-64)
225,078	Permanent Industrial Exhibition- Permindex (1958-63)
225,226	Centro Mondiale Commerciale (1958-63)
225,237	Maurice Brooks Gatlin, Sr. (1960-64)
225,428	Existence of Lee Harvey Oswald imposter
225,775	"Ressurrection-Patrie"
226,115	Oswald visit to Mexico (1962-63)
226,209	1955 green Ford automobile
226,227	Fair Play for Cuba Committee
226,760	Hale Boggs to Lee Rankin letter dated 5/15/64 re: General Edwin Walker
226,832	Dallas to Havana airline flight on 11/22/63

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With regard to FOIPA request numbers 224,134 and 225,237, please be advised that we acknowledge, as a result of previous research, that Mr. W. Guy Bannister and Mr. Maurice Brooks Gatlin, Sr., are deceased. Please be assured that all of the above-listed requests are being handled as equitably as possible and that all documents which can be released will be made available to you at the earliest possible date.

CATEGORY B REQUESTS

Please be advised that a search of the indices to our central records system at FBI Headquarters revealed no record identifiable with the following requests:

<u>REQUEST NUMBER</u>	<u>SUBJECT</u>
224,133	Jacques Roy
224,833	Visit of De Gaulle to New Orleans and Caribbean (May 1963)
224,889	Dominique De Roux

The search for information in response to your requests was limited to those records in our central records system which are maintained at FBIHQ, Washington, D.C. In certain specific instances, information collected in our field office files is not forwarded to FBIHQ. These instances include cases in which the perpetrators of the violation were not developed during the investigation; cases in which the United States Attorney declined prosecution; and cases in which the investigation revealed the allegations were unsubstantiated or, were not within the investigative jurisdiction of the FBI. Therefore, if you believe records which may be responsive to your inquiry are located within the files of an FBI field office and were never reported to FBIHQ, you may write directly to any field office for those materials. If you direct a request to any field office, please indicate in your letter that FBIHQ in Washington, D.C., has processed your initial FOIPA request.

CATEGORY C REQUESTS

Based on the limited information which you provided on these subjects, it is not possible to make an accurate search of the indices to our central records system. Please

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furnish any additional, specific data that would assist us in locating the material which you seek. Upon receipt of the additional information, we will review the indices to our central records system in an effort to locate any documents which may be responsive to your requests. This category of requests is as follows:

<u>REQUEST NUMBER</u>	<u>SUBJECT</u>
224,507	Relationships/Communications between O.A.S. and any agency/department of U.S. Government (1961-64)
224,526	Activities of O.A.S. in Canada/Caribbean/U.S. (1961-64)
224,817	American sympathizers with O.A.S. (1961-64)
225,026	"Organization Renseignement Operation" (1961-65)

Inasmuch as, you did not specifically identify the organization for which the initials O.A.S. stand, an accurate search cannot be conducted on the above-mentioned subjects. Therefore, it will be necessary for you to furnish the FBI with the full name of this organization.

CATEGORY D REQUESTS

As a result of a review of your requests for information pertaining to third party individuals, please be advised that in handling requests concerning a third party, the FBI is governed by all applicable exemptions of Title 5, United States Code (USC), Section 552 (Freedom of Information Act) and also by Title 5, USC, Section 552a, more commonly referred to as the Privacy Act of 1974, Subsection (b) which states in part:

No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with prior written consent of, the individual to whom the record pertains

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Therefore, before we can commence processing your requests for records pertaining to the individuals listed below, we must know whether you have been authorized by these individuals to receive material pertaining to them. It will therefore be necessary for you to submit to the FBI the original of a written authorization, from each person, which has been attested by a Notary Public. Upon receipt of the requested documentation we will conduct a search of our central records system in an effort to locate any documents which may be responsive to your requests for documents pertaining to these individuals. If there is no indication of the existence of the records you seek, you will be so advised. If we have the records you seek, all documents which can be released will be made available at the earliest possible date. This decision is predicated upon a determination that there is insufficient public interest in these individuals, outside the scope of our investigation into the assassination of President John F. Kennedy, to require release of their FBI records, should any exist, under the provisions of the FOIPA. These requests are listed as follows:

<u>REQUEST NUMBER</u>	<u>SUBJECT</u>
224,132	Eugene Barry Dinkin
224,265	Laszlo Vargas
224,266	Gyula Sari
224,394	Pierre Sergent
224,860	Silvia Duran
224,861	Clemard Joseph Charles
225,403	William Dalzell
225,429	Pierre Quang Diez De Ure
225,558	Jerry Milton Brooks
225,580	Ferenc Farkas De Kisbarnak
225,581	Jean Denis Raingeard (1960-64)
255,583	Jean Petit
225,786	Jacqueline Lancelot
225,872	Louis Mortimer Bloomfield
226,074	Gloria Orsony
226,078	Elizabeth Catlett Mora
226,171	Carlos Bringuier
226,351	Nadine Bestougeff
226,387	Spas T. Raikin
226,447	Gilberto Policarpo Lopez

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226,553	Peter Paul Gregory
226,554	Enrique Ruedolo Zongora
226,557	William Roy Pike
226,590	John Thomas Masen
226,639	Manuel Rodriguez Orcarberro
226,741	Miguel Casas Saez
226,858	Kerry Wendell Thornley
226,859	Silvia Odio (1960-64)
226,935	Jacques Soustelle (1960-64)

G/g/

dead

CATEGORY E REQUESTS

By various letters you advised, without supportive evidence, that the third party individuals listed below are believed, by your clients, to be deceased. Please be advised that without supportive evidence to sustain your assertion that these individuals are deceased, we cannot proceed with the processing of your FOIPA requests for information pertaining to these individuals. Such supportive evidence could be in the form of an obituary or a certified true copy of a death certificate. The FOIPA request number assigned to and the subject of each request is listed as follows:

<u>REQUEST NUMBER</u>	<u>SUBJECT</u>
224,264	Ferenc Nagy
224,393	Albert Osborne
225,079	Jean Claude Perez
225,212	William George Gaudet
225,553	M. Francois Duprat
225,764	Herman Edward Kimsey
225,808	J.C. Duvall
226,033	Jean De Menill
226,146	Dean Adams Andrews, Jr.
226,358	Delesseps Morrison
226,760	David G. Copeland

dead ?

Please be advised that absent the requested notarized authorizations or the supportive evidence to sustain your assertion of death it is necessary that you be advised of the provisions of Title 5, USC, Section 552a, subsection (i)(3), which states that any individual who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5000.

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Accordingly, before proceeding with the processing of the above-listed requests, we will await receipt of the requested documentation. In accordance with the spirit and intent of the FOIPA, it is the policy of the FBI not to indicate whether we do or do not have the records you seek until such documentation is received.

It is noted that some of your requests are for information pertaining to individuals, organizations, or events which we investigated during the course of our inquiry into the assassination of President John F. Kennedy. Please be advised that the FBI records pertaining to the JFK Assassination have been previously processed pursuant to the provisions of the FOIPA and any material, from these files, responsive to your requests, will be made available to you, without the requested documentation, in the FOIPA Reading Room at FBIHQ. You may review these files, at no charge, by making an appointment 48 hours in advance by calling (202) 324-5520.

Please be advised that the decision has also been made that your FOIPA requests will be handled as a series of related requests, and as such, subject to aggregate fees as encompassed within Title 28, Code of Federal Regulations (CFR), Section 16.9(a). Following a preliminary review of material which may be responsive to some of your requests, it is conceivable that duplication costs may exceed \$250.00. Pursuant to Title 28, CFR, Section 16.9 and 16.46, duplication costs are assessed at the rate of ten cents per page. Inasmuch as, Title 28, CFR, Sections 16.9 and 16.46 require notification to a requester when anticipated charges exceed \$25, and since you explicitly requested in your letters to be advised if anticipated charges might exceed \$250.00, this letter constitutes such notification.

I must caution, however, that your indication of approval and consent to incur such fees will not necessarily result in the entire contents of any records, which may be located when the search of our central records indices is completed, being disclosed to you, since we are guided by the provisions of the Freedom of Information Act (Title 5, USC, Section 552) and the Privacy Act of 1974 (Title 5, USC, Section 552a) in disclosing material from our records.

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Accordingly, before taking any further action beyond completing the search of the indices to our central records system, I will await receipt of written notification from you indicating your willingness to pay duplication fees which may be in excess of \$250.00 in connection with the processing of your requests. No payment should be submitted at this time.

With regard to your request for a waiver of fees for each of the above subjects, it is the policy of the FBI to consider the totality of the requests at one time. Since many of your requests, as indicated above, have not been "perfected," your fee waiver request cannot be considered at this time. Please be advised that a request is deemed to be "perfected" when all information or documentation necessary for the conducting of a complete and accurate search of the indices to our central records system has been received by the FBI. Therefore, until your requests in categories C, D and E are "perfected", consideration of your request for a waiver of fees is being held in abeyance.

If you desire, you may submit an appeal from any denial contained herein. Appeals should be directed in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D.C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the Freedom of Information-Privacy Acts number assigned to your request so that it may be easily identified.

Sincerely yours,

James K. Hall, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division