

Dear Les,

6/22/84

This is so wild it may permit a little good clean fun in the column and perhaps help FOIA a little.

In a Carl Stern FOIA suit having to do with the FBI's covering up of some of its illegalities the FBI actually withheld and insisted it had to withhold the name of its New York Special Agent in Charge. In fact the issue was litigated up to the appeals court, and that costs money and takes much time. As you know, the name of any SAC is well and publicly known, so his also was known. More than most. (The New York Office is an FBI division and its SAC was an assistant director.)

If my recollection is correct, this one was Wallace LaPrade ^{and} he made quite a stink of being disciplined, open and very much publicized warfare if I recall correctly.

I just remembered that I had an interest in him via my King interests and I enclose a copy of one story that is enough to show you how public it all was!. La Prade started a real battle after this and I did not keep the clips.

Stern's suit was after all this publicity, so in addition to the fact that the SAC's name is always public domain, here you have one with went public with a real vengeance, and after that the FBI forced litigation ~~in~~ in its effort to withhold.

All I know of Stern's suit is what I read in the decision. I am inclined to believe that it was much broader than these three names and that the FBI, as usual, was lavishing public moneys (that might better have been used in law enforcement) in its endless battles to nullify FOIA, which has caused it much embarrassment. It withheld the names at district court and appealed when it lost. The result is that it now has a decision which requires it to disclose those names when there is a public interest that overrides privacy considerations. It knew this all along and, in fact, disclosed many thousands of pages of reports without withholding such names. In one lawsuit it even gave me a list of all the field office agents, complete with home addresses and phones, and then abruptly started withholding those identical names under privacy claims!

Aside from always battling FOIA^a, the apparent reason for withholding the names of agents is to prevent associating them with their work, to cover up. It is for this very reason that the names are important to scholars as well as reporters and of considerable public interest in many cases.

In one of my lawsuits (King again) the FBI almost got away with using an unindicted coconspirator in the same New York matter as an FOIA case supervisor at FBIHQ and built its case on his affidavits! I was told that the very FBI building shook when I exposed this, along with proof of his false swearing and swearing to the genuineness of phony documents, and that court banished him. (He was in the courtroom, did not utter a single word in self-defense, and just left silently.)

God the cost of all of this, including the unnecessary burdening of the courts!

Best wishes,

