



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

JAN 18 1983

Bernard Fensterwald, Jr., Esq.
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., to the Office of Information and Privacy (OIP) letter dated October 15, 1982, and to the Federal Bureau of Investigation (FBI) letter dated June 23, 1982.

By referenced FBI letter you were advised that based on our review of your request letters, each of your clients' FOIPA requests has been placed in a specific category for administrative purposes. A portion of your clients' FOIPA requests were placed in Category D. These requests were for information pertaining to individuals, other than your clients, presumed to be alive. Another portion of your clients' requests were placed in Category E. These requests were for information pertaining to individuals whom you asserted, in your request letters, to be deceased. You were also informed that, before proceeding with the processing of these requests, it would be necessary for you to submit notarized authorizations from those individuals listed in Category D and supportive evidence to sustain your assertion of death of those individuals listed in Category E and that absent the requested documentation it is the policy of the FBI not to indicate whether we do or do not have the records you seek.

By referenced OIP letter you were advised of the decision by OIP to modify the FBI's complete denial of access to records pertaining to those individuals listed in

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Categories D and E. Pursuant to this decision a complete and thorough review of the Master Index to the John F. Kennedy (JFK) Assassination Investigations as compiled by Ms. Sylvia Meagher and of the index to the Hearings Before The President's Commission On The Assassination of President Kennedy, more commonly referred to as the Warren Commission, has been completed for a portion of your clients' FOIPA requests listed in Categories D and E, which were not previously handled and closed by FBI letter dated December 9, 1982. The subjects of your clients' FOIPA requests listed below do appear in the above-mentioned published indices and a search of the indices to the Central Records System at FBI Headquarters (FBIHQ) was conducted in an effort to locate any material, relative to the JFK Assassination, responsive to your requests.

CATEGORY D

<u>REQUEST NUMBER</u>	<u>SUBJECT</u>
224,861	Clemard Joseph Charles
225,429	Pierre Quang Diez De Ure
225,786	Jacqueline Lancelot

CATEGORY E

226,033	Jean De Menill
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* || With regards to FOIPA request numbers 225,429 and 225,786, the search of the FBIHQ indices revealed no record of any JFK Assassination related material identifiable with the subjects of these FOIPA requests. In response to FOIPA request numbers 224,861 and 226,033, the search of the FBIHQ indices located a total of two references which were determined to be identifiable with the subjects of these requests. These two references are contained within the twenty-six volumes of the Warren Commission hearings. For your information, a complete copy of the Commission hearings was reviewed and indexed in accordance with FBIHQ procedures, at the time of its publication, in order to facilitate retrieval of the information within these volumes.

In response to your clients' request for information pertaining to a letter dated May 15, 1964, from Congressman Hale Boggs to Mr. J. Lee Rankin (FOIPA request number

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226,760), a complete and thorough search of the FBIHQ indices failed to locate a copy of this letter within the FBI files.

By letter dated January 3, 1983, you were informed that 880 pages of material would be forwarded to you upon receipt of your payment of \$88 for duplication costs. This material is being forwarded to you at this time and is in response to the following requests:

<u>REQUEST NUMBER</u>	<u>SUBJECT</u>	<u>NUMBER OF PAGES</u>
224,132	Eugene Barry Dinkin	33
224,393	Albert Osborne	713
225,212	William George Gaudet	20
225,403	William Dalzell	104
225,558	Jerry Milton Brooks	10

With regards to FOIPA request number 224,393, the material being released at this time is an interim release. Approximately 50 additional pages have been located which are responsive to your request. However, before these pages can be made available to you, it will be necessary for these documents to be reviewed for information relating to national security in accordance with the guidelines of Executive Order 12356. In addition, it has been determined that it will be necessary to forward to another agency of the Federal government one document, which is responsive to FOIPA request number 225,403. You will be advised of the availability of this document when it is returned to the FBI.

Excisions have been made, from the enclosed documents, in order to protect materials which are exempted from disclosure pursuant to Title 5, United States Code, Section 552, Subsections (b)(1), (b)(2), (b)(7)(C) and (b)(7)(D). Please see Form 4-694a, which is enclosed, for an explanation of these exemptions.

In response to your clients' FOIPA requests for information pertaining to a visit by General De Gaulle to Mexico City during March, 1964 (FOIPA request number 224,746) and for information pertaining to Herman Edward Kimsey (FOIPA request number 225,764), the material, which is responsive to these requests, will be forwarded to other agencies of the Federal government for a determination regarding their release. With regards to request number 225,764, you will be

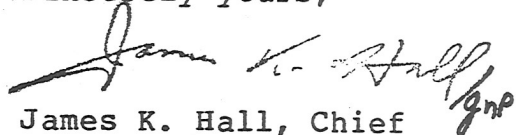
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advised of the availability of the material when it is returned to the FBI. The agencies handling request number 224,746, will correspond directly with you concerning the availability of the material.

For your information, the search for material responsive to your clients' FOIPA requests, previously discussed in this letter, was limited to those records, in our central records system, which are maintained at FBIHQ. Any of your clients' requests, which were directed to specific field offices, for information pertaining to the same subjects will be handled by FBIHQ at a later date.

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 FOIPA number assigned to your request so that it may be easily identified.

Sincerely yours,

A handwritten signature in cursive script that reads "James K. Hall". To the right of the signature, the initials "JNH" are written in a smaller, more formal hand.

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

Enclosures (7)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b) (1) information which is currently and properly classified pursuant to Executive Order 12065 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods
- (b) (2) materials related solely to the internal rules and practices of the FBI
- (b) (3) information specifically exempted from disclosure by statute (see continuation page)
- (b) (4) privileged or confidential information obtained from a person, usually involving commercial or financial matters
- (b) (5) inter-agency or intra-agency documents which are not available through discovery proceedings during litigation; documents, the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction; or documents which represent the work product of an attorney-client relationship
- (b) (6) materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would: (A) interfere with law enforcement proceedings, including pending investigations; (B) deprive a person of the right to a fair trial or an impartial adjudication, or give one party of a controversy an undue advantage by exclusive access to such information; (C) constitute an unwarranted invasion of the personal privacy of another person; (D) reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source; (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness; and (F) endanger the life or physical safety of law enforcement personnel
- (b) (8) information collected by Government regulatory agencies from financial institutions
- (b) (9) geological and geophysical information, including maps, produced by private companies and filed by them with Government agencies.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE. SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest
- (k) (1) information which is currently and properly classified pursuant to Executive Order 12065 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which would reveal the identity of an individual who has furnished information pursuant to a promise that his identity would be held in confidence
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056
- (k) (4) required by statute to be maintained and used solely as statistical records
- (k) (5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.