

1996 - CIA referrals

Mr. Quin Shea, Director
FOIA Appeals
Department of Justice
Washington, D.C. 20530

2/11/81

Dear Mr. Shea,

Mr. Lesar has sent me a copy of your letter to him of the sixth. In your letter you say that Mr. Lesar's client and the one who made the request is Bud Fensterwald. I believe the reason Mr. Lesar sent me the letter is because you are responding to my appeal. Mr. Fensterwald is included in two items of my King assassination requests. Both pertain to surveillances.

Quite properly your letter is phrased in a manner intended not to disclose what you believe ought not be disclosed. This, however, creates a problem: how can you determine whether or not you are approving the withholding of what the FBI itself has already disclosed?

With regard to third persons, FBI investigative interest and "national security" the FBI has made extensive disclosures pertaining to Mr. Fensterwald and those with whom he is associated and to him he is related.

With regard to his relatives, the FBI has disclosed records designed to defame his mother, sister and first wife. It also has disclosed what can be taken as defamatory about his present wife.

It has disclosed his association with Philip Hirschkop in representing Richard Hart and a corporation of his. This disclosure is an order to all offices to suspend electronic surveillances.

It has disclosed informant coverage at least in the District and Virginia. (I'm depending on recollection and not checking records but I believe I provided you with some illustrations of appeals and I know I've attached some to affidavits filed in C.A. 75-1996.) At least one informant also covered the defunct sensational, radical publication, ~~Washington Times~~. The FBI also received informant coverage of a gathering Mr. Fensterwald's CIA sponsored at Georgetown University. It received such information from the CIA and

if my recollection is correct, from the Secret Service.

The FBI also had confidential source coverage, from at least Dallas to Washington. It disclosed this without disclosing the identities of the sources.

It is not impossible that you are approving the withholding of the names of government employees that the FBI has disclosed. For example, who in the CIA sent the information to the FBI. It is my recollection that this was James Jesus Angleton and that the FBI disclosed this. Moreover, in this particular case, the judge issued an order in June, 1977, that the names of public employees performing public functions could not be withheld. I'm not going to make a big deal of this but should I not shudder that the Department of Justice violates a court order it declined to appeal?

The number of persons in whom the FBI had an interest it disclosed, in connection with Mr. Fensterwald, is rather large, as I presume you had no way of knowing. But it is a fact because those records were disclosed by the FBI to me.

Mr. Fensterwald's appearance, like mine and those of so many others, also were of interest to the FBI. What we said, obviously, was regarded by the FBI as more important than law enforcement and law enforcement investigations.

You mention referrals to the CIA. Again you will have no way of knowing whether you have just approved the withholding of what the CIA has disclosed to both Mr. Fensterwald and me, separately. Nor will the review committee. Its domestic intelligence operations, illegal operations, go back to his having offices at 915 15 St., NW, include me (erroneously) and reflect investigation at that address by it.

You say that if the committee declassifies we will be notified. How about if it does not declassify - if it persists in classification of the public domain? How will we know?

Sincerely,

Harold Weisberg