

Dear Jan, re Flaherty's 1/30 to you

7/8/77

This relates to the belated processing of the FBI only's part of my personal request.

His second graf refers to copies we can have on my correspondence with the Bureau (a) (copies of newspaper articles, press releases

(c) court documents pertaining to him that are contained in Bureau files. This a direct quote. Specifically it does not say or limit to FOIA, so I think you should take a look at the (c) part and get what you consider worth having.

(a) correspondence with the Bureau- here I think we want copies of all relating to any ~~new~~ requests for information, responses, memos relating to, referrals etc. This may be the entire file. When you hear from them if the cost is not great I recommend getting it all. If only for the time of receipt stamped on each and the memory-file hole file designation.

By the way, on this we need the Baltimore and Wash FOs. I'm in both for sure.

(b) their press releases relating to me or mine of interest to them I want. So also do I want all newspaper (they do not say magazine or transcripts of electronic shows or news) clippings.

His graf 3 will require waiting until we see and know more. But where we refers to "purely personal information relating to certain third parties" and says they claim (7)(C) I have no objection to the proper use of the privacy exemption but I want some assurances we are not going to get another stonewalling as we have in 1996 on this.

There are different standards here because this is a PA request. This means they do not put in out for all and cannot. Whether this will influence the use of (C)(D) we'll have to wait and see. There is a problem when I alone get these records and I leave them for a future archive. I have stipulated normal observance of privacy rights, so there is no concern for picking these people off and hurting them, particularly with the older files. There is the possibility of misunderstands, or the wrong person later being believed to be the confidential source. In addition, from the few samples we have I'll be wanting to avail myself of my PA rights to correct the error we can expect.

We have discussed 7(E), now claimed for the first time. That belongs in the context of the use of the investigatory-file exemption. There has to be a law-enforcement purpose relating to me for these to apply except if I appear in a file about another. This would seem to have to be limited to the 1940 period, where they were trying to frame me on a raps that turned into the plea-copping of the Dies-Mayhe case. (We should have a copy of that Dies letter begging for mercy for his minion I got.)

Taking the language of the Act, which is other than his, there would seem to have to be the disclosure of an unknown technique and procedure, both. Not that they have the right to withhold the use of any. Let me compare language for you:

Flaherty: ... "(E) has been asserted to prevent the disclosure of a particular investigative technique." This is not the language of the Act:

"(E) disclose investigative techniques and procedures."

I take the real intent of the Act to mean that if they used laser beams they can withhold. But if they used electronic surveillance they may not. Even then this cannot be in domestic intelligence. It has to involve me in a criminal investigation for there to be a "law" enforcement purpose. I've put it this way because there has never been any law to sanction the domestic intelligence activities of which I know. I think Florence has made this study. This (mis) use of this exemption gives them carte blanche to withhold every record of every criminal act in which they've been engaged. Criminal for mortals.

We have to wait and see if the applicability of 5 appears to be legit.

I see hassles ahead and need to know the basis for some claims, like in what year was there what law enforcement purpose. Meaning also what law. There never was any real law-enforcement purpose with me. Some paranoia and the rest domestic intelligence. Hastily,