



of this you say, "instead, one would be hard pressed to imagine a clearer case of a request for data covered by that exception." Because, just as you are, your information must come from others, I make this brief explanation to which I will expand, should you so desire:

The incident in question was before the assassination (when no law was violated), and the leaflet containing the fingerprint was supplied to the Department after the assassination as part of an investigation that the director of the FBI himself, and under oath, said was not for law-enforcement purposes. Indeed, he went far out of his way to say there was no legal authorization for the investigation in this sense.

Cowald engaged in such leafletting activities must have often seen the Warren Commission Report. He is known to have had at least two associates in this, only one was ever identified (and he has told us that of that occasion there was another, not known to him, also involved). In several occasions, your Department had another detailed sensing film of that particular operation and from it still remains that no set exist in either the files of the Warren Commission or, today, even in the records from which they were obtained. I can supply you with copies of FBI reports that are explicit on this point. I can also supply you with the log and that is still unopened around that film in the National Archives, specifying that it shows two men helping Cowald arrange the footings for copies only one. (So you say better understand the justification, I also tell you that the Warren Commission's copy, supplied by your Department, did not have such a wrapper. This copy is now in the National Archives because of my effort, and it was unclassified.) In addition, the FBI reports quote the only people in the world in a position to know the origin, that the printer did not make any delivery there leaflets in public. These reports do not identify the man to whom delivery was made, and the delivery report given at the Warren Commission proceedings states it was Cowald. Now, I have also interviewed every person, the only ones involved, aside from the man to whom delivery was made, and from them, independently, I have obtained an identification of the man to whom delivery was made. I have taken inference on type. Now I would get of my reported officers of what of our investigation have disclosed. While the law does not require that a citizen's request for public information be accompanied with an explanation of why it is needed at all, I think the public use of my report is obvious, and I would be glad that the Department's interests are not served by any of their implications that it has never approved or is approving information.

You say you want "imagine a clearer case" that is "covered" by the exception which reads, "Information which is compiled for law enforcement purposes except in the extent available to law to a private party." Especially in the context of the collective burden imposed upon the Department by the law, to justify the withholding, as your own Department's regulations say on page 37, of 28 C.F.R. § 17.104 (The burden of proof is placed upon the agency which is the only party able to justify the withholding.), I think it is clear law was being enforced and I point out that what I have seen is not an investigative report but a simple A.M. report. Moreover, even if there had ever been any right to withhold this, under the law that right was waived by any one of us at any time.

I respectfully request that you reconsider these requests before I proceed further. Although it is not required of me, as a late day further information provided in what I will provide it. My purposes are to obtain the information to which I believe I am entitled and to obtain compliance with the law. They are not to embarrass the Department or to needlessly clutter the records. I do not have any other ill intentions or need for derogatory either of these requests in the future.

Sincerely,

Harold Feisberg