

August 2, 1975

Mr. Thomas J. Kelley  
Assistant Director  
United States Secret Service  
Washington, D.C. 20223

Dear Mr. Kelley:

I did not write you asking for copies of the Fox, Souck and Madonia documents of November 29, 1964, until after being assured by the National Archives that it does not have copies anywhere and therefore cannot provide them.

With reference to this request, your letter of July 30 says "we do not have copies of these documents in our possession."

Whether or not this is subject to the interpretation that you have copies not in your immediate possession, these are public documents under FOIA, were public property under other laws, and if you disposed of them in any way, I broaden the earlier request to include all records of this disposition and copies of any legal opinion that it was a proper and legal act.

It is my impression that the regulations require the forwarding of any request under FOIA by the agency to which the request is made if it decides another is that of paramount interest. According to the Archives, they are not that agency. Obviously, I have to take their word and I have no way of knowing to whom else you may have delivered them. So, under the FOIA, I hereby request that you forward this request to whatever agency or agencies to which you delivered what your letter indicates is all Secret Service copies.

It is my impression that federal agencies are required to preserve records of certain kinds, including of federal property, whether or not they deposit copies elsewhere. If I am not correct in this, I would appreciate being informed of it. If I am, I would like this FOIA request also to include copies of the authorization for unloading the records elsewhere.

Please note that the Archives did not forward my request to any other agency.

Sincerely,

Harold Weisberg