

4/2/78

Dear Gary,

When you return from your return to China there will be many matters requiring your attention and mine and I'll have forgotten your 3/31 and its enclosures. So I write now, with copies to Jill and Howard. I'll also start a PA file on you for this. You should have used the Privacy Act.

If I were not certain they'd invoke those provisions that protect you I'd have filed follow-up requests.

There is also a requirement of the law that you be provided with those parts of records that are reasonably segregable. The CIA once gave me a record on which it withheld everything but my name. (It didn't know it but I had obtained that record from another and the other copy had nothing withheld.)

So ask for a copy with those parts they claim have to be withheld removed. They can do it.

The reason they didn't do it is to provide no leads to you or anyone else.

Of the two dates, January and April 1969, only one can relate to what you refer to, the case of *Lee v. Shaw* in D.C., the earlier date. I'm wrong. It was 2/14 and 4/11/69. The D.C. case was over in January. The Shaw trial was on in Feb.

With the claim to a foreign government source I'd guess mail interception or maybe something to do with ~~maxik~~ Forcell America.

Why not think about what mail with whom could have been intercepted or about those with whom you had been in touch where their police agencies could have had an interest.

I may be wrong and not having any inkling makes good guessing hard but I think they have no real national security involvement and no law enforcement purpose so the exemptions do not apply. However, you'd probably have to go to court to be able to establish this.

Was anything going on then about Murray, your former office mate?

I've forgotten the record you say you sent me long ago. Finding it would probably take much time. Can you supply another copy? I'll ~~like~~ give Jim a copy, as I also will of this.

Hope this trip is even better than the previous one. And if you go through Hong'ong you ought to get some of the available benefits.

Best,

WALK-IN COUNSELING CENTER

2421 CHICAGO AVENUE SOUTH  
MINNEAPOLIS, MINNESOTA 55404

(612) 870-0565 or 870-0566

March 31, 1978

Harold,

I've gotten to return to China, the only way I can afford to go, expenses-paid. I'm leading a tour. It's a long story.

I'm writing to give you the enclosed letters. The CIA, after several years, suddenly forwarded my appeal to the Army. Interestingly enough, the DIA has previously denied having any records.

I won't be back until May 1 but will pursue it further then.

The timing of the files (as per the earlier CIA letter I sent you several years ago) corresponds to input on the autopsy from Steve Jaffe (from his father, remember). I am also beginning to wonder if you could be the subject of the files. Have you requested yours. If so we would be able to compare dates of files and dispatches.

Hope you and Lil are doing well.

*Gay*



COMMUNITY SERVICE BY MENTAL HEALTH PROFESSIONALS



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DEPARTMENT OF THE ARMY  
HEADQUARTERS  
US ARMY INTELLIGENCE AND SECURITY COMMAND  
FORT GEORGE G. MEADE, MARYLAND 20755

27 March 1978

Mr. Gary R. Schoener  
400 W. Franklin, Apt. 2  
Minneapolis, Minn. 55405

Dear Mr. Schoener:

This is in response to your letter of 7 November 1975 to the Central Intelligence Agency (CIA) requesting records concerning yourself under the provisions of the Freedom of Information Act, 5 USC552. The CIA, on 16 March 1978 forwarded your letter with one (1) Army-originated document to this office for a decision as to the releasability of the information to you. This correspondence was received in this office on 24 March 1978.

We have reviewed the Army-originated document and have concluded the information is properly and currently classified in accordance with Paragraphs 2-303d and 2-303e of DoD Regulation 5200.1-R and Sections 1(C), 5(B)(1) and 5(B)(2) of Executive Order 11652. This information is exempt from the public disclosure provisions of the Freedom of Information Act as provided under 5 USC552(b)(1).

Paragraph 2-303d of DoD Regulation 5200.1-R provides that information will be classified if "There is sound reason to believe that other nations do not know that the United States has, or is capable of obtaining certain information or material which is important to the national security of the United States vis-a-vis those nations".

Paragraph 2-303e of DoD Regulation 5200.1-R provides that information will be classified if it will "weaken or nullify the effectiveness of a defense or military plan, operation, project or activity which is vital to the national security".

Section 1(C) of Executive Order 11652 provides that material shall be classified CONFIDENTIAL if unauthorized disclosure could reasonably be expected to cause damage to the national security.

Section 5(B)(1) of Executive Order 11652 provides that information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence, shall be afforded security protection.



27 March 1978

Section 5(B)(2) of Executive Order 11652 provides that classification protection shall be extended for information or material which would disclose intelligence sources or methods.

Confidential sources and sensitive investigative techniques and procedures are also related to this document. This information is exempt from public disclosure as provided under 5 USC552(b)(7)(D) and 5 USC552(b)(7)(E) of the Freedom of Information Act. The significant and legitimate governmental purpose to be served by withholding is that a viable effective intelligence investigative capability is dependent upon protection of (1) confidential sources and (2) sensitive investigative methodologies.


We regret that we cannot tell you more about the nature of the document without disclosing classified information. The document in question was collected in the course of an intelligence investigation not targeted against you. A copy was provided to the CIA. The U.S. Army does not have intelligence files in your name. The denial of this document is not based on the contents per se. It has been denied because the contents would identify confidential sources and sensitive investigative techniques.

The withholding of the information specified above constitutes a denial of your request by the properly designated Initial Denial Authority and you are hereby advised that you have the right to appeal this denial to the Secretary of the Army. If you wish to file an appeal, you should forward it to the following office:

Office of the Secretary of the Army  
ATTN: General Counsel  
Washington, D.C. 20310

If you have any further questions, you may contact the Freedom of Information/Privacy Office, U.S. Army Intelligence and Security Command, Fort Meade, Maryland 20755. The telephone numbers are (301) 677-3942/4743.

Sincerely,



THOMAS F. CONLEY  
Chief  
Freedom of Information/Privacy Office

Copies Furnished:

HQDA (DA-OGC)  
HQDA (DAAG-AMR-S)  
HQDA (DAMI-ZDL) w/Army-originated Document  
HQDA (DAJA-LTS) w/Army-originated Document  
CIA (Gene F. Wilson) w/Document Receipt

GARY RICHARD SCHOENER  
400 W. FRANKLIN, APT. 2  
MINNEAPOLIS, MINNESOTA  
55405

Thomas F. Conley, Chief  
Freedom of Information/Privacy Office  
U.S. Army Intelligence and Security Command  
Fort Meade, Maryland  
20755

March 30, 1978

Re: Your letter to me of March 27, 1978

Dear Mr. Conley:

Many thanks for your prompt reply to my letter. You seem to be somewhat more efficient than the CIA. It took them about 1 1/2 yrs. to send the request to you. Yours is probably the quickest response I have ever had from a U.S. government agency.

I would like to know which document or documents you refer to in your letter. The CIA's letter to me of Oct. 27, 1976 cites two:

1. Memorandum, 14 February 1969
2. Dispatch, 11 April, 1969

Thanks again for your prompt assistance.

Sincerely,

*Gary Schoener*  
Gary Schoener

GARY RICHARD SCHOENER  
400 WEST FRANKLIN, APT. 2  
MINNEAPOLIS, MINNESOTA  
55405

March 30, 1978

General Counsel  
Office of the Secretary of the Army  
Washington, D.C.

20310

Dear Sir:

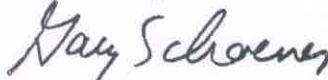
Enclosed is a xerox copy of a communication to me from Thomas F. Conley, Chief, Freedom of Information/Privacy Office, U.S. Army Intelligence and Security Command dated 27 March 1978.

I am writing you to file an appeal of the classification of the records described therein.

It is difficult to believe that I could be connected with anything classified in this fashion. Furthermore, it is hard to imagine a document so secret that no part of it, not even with items deleted, could be released.

Thanks in advance for your assistance.

Sincerely,



Gary Schoener