Dear Jim: The new Shea/Bell policy-Access Reports   1/10/77

The 7/26/77 issue says the texts of the two Shea memos on easing up on FOIA exemption claims had been mailed to subscribers the week before. I suggest that this means we will find that the memos were distributed to be effective more than a day or two earlier/ than the first Access distribution.

This means that it coincides with certain quite visible stonewalling tactics by the FBI as well as Martingh's saying they should not have been using b2, as you may recall he did at a late June or early July meeting.

I believe he knew of this new policy and knew that for the FBI in tender areas it would mean nothing. I think you will find that this roughly coincides with my vigorous complaint of their added restrictiveness after they had promised the contrary and I took their work and even did not go to a calendar call.

In any event, once it supposedly became official policy not to use b2 except on the most dire occasions we suddenly had a great increase in the use of b2. So much that in the notes I sent you I indicated this use in the left-hand margin. I think it began with the MPO files. It never ended.

The regulation about third persons, or the policy, was not followed in the PA records I received and my writing remains without response.

So, whether or not these memos are mere window-dressing, they do not apply to my requests from the practises we have observed.

Doug Mitchell does not read books. Maybe he also does not read memos?

You may want to recall that I wrote many times reminding them that b2 pivots on "solely"/ and never received a response or relief. They kept on b2ing. Only more.

The same is true of the easing on use of 7C for third parties in PA cases. This says that only when the material relates to "intimate details" on another is there to be consideration of the appropriateness of withholding. With me under PA there was 100% withholding.And this does not even say that, only consideration of appropriateness.

Here is where you called and we discussed the rest.

                                                Best,