

Mrs. Marina Porter
Box 220A
Rockwall, Texas 75087

9/28/81

Dear Mrs. Porter,

My lawyer, Jim Lesar, has prepared the privacy waiver but it has not yet reached me. When it does I will enclose two copies, one for you to keep for your own records and one to fill out and return to me. I will inform you of all the agencies with which I file copies. More than IRS ~~have~~ do have copies of the information. I know this because of their prior denials of it on privacy grounds. In fact, I will ~~keep~~ keep you fully informed where further correspondence and efforts are required. I will send you a copy of everything.

In connection with one of my earlier requests I have just received some general information that may be of interest to you. It is from before there was a Freedom of Information law and it states general policy with regard to disclosure and non-disclosure.

The government requires that all such papers be sworn to before a notary public. There are blanks for you to fill in because I could not give my lawyer that information. Filling it in by hand is OK. You do not have to type the whole thing over.

If you do not have a Social Security number, write in "none."

And if you have any questions, please ask.

I cannot predict how long this will take because while the law requires response within 10 days that often is not possible. If I am refused, I appeal and the law requires that to be acted on within 20 days. After that I can sue.

Some agencies do have backlogs. However, because of my prior requests with most I can and will claim that I go to the top, not the bottom of their stack.

Believe me, I do know where at least one set of Lee's tax returns do exist and are not subject to destruction. But the request will go to all agencies I have any reason to believe may have copies.

Sincerely, Harold Weisberg

P.S. I remember where one pertinent record of the past was filed so I've made a copy for you and enclose it.

This is what is called a referral, that is, the agency of which I made a particular request had a record coming from another agency, so it referred that record back to what is called the originating agency. The denial was on privacy grounds, which ordinarily is proper but in this case was not. However, the claim of privacy presented serious problem and costs in litigation, so I did not go farther.

However, as you can see, the Justice Department does have the tax returns, and I know of others. As you can see, this particular request was stonewalled for ~~many~~ many years, since 1977, and thus is at the top of any backlog. Moreover, it is being processed now and has been for months. Or, it is current. Unless my lawyer recommends otherwise, as soon as I receive your waiver I will send it to the lawyer who is in charge of this particular request at the Department of Justice and ask him to let me know when I may expect to receive the records. It should go fairly rapidly if they do not erect more barriers, but please don't build any hopes until we have the copies.

As soon as I receive them I'll send them to you.

I'll also send you copies of all the correspondence, which will be for you to keep if you so desire.

If my lawyer recommends it I'll also get in touch with IRS right away because, as my note states, I did file the appeal more than a year ago. If there are then any problems I'll turn it over to him.

So you will not be confused by what seems to be a different address: we are on a rural route, as you are, but close enough to the city for street-like house numbers to be assigned. Route 12 will reach me but we now have the street number on the envelope.

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Mr. Harold Weisberg
Route 12
Frederick, MD 21701

Person to Contact
Mrs. Bennett
Telephone Number
(202) 566-4491
Refer Reply to
TX:D:F 80-969
Date:

19 JUN 1980

Dear Mr. Weisberg:

In processing your Freedom of Information Act request of May 21, 1977 the Department of Justice located documents that originated with the Internal Revenue Service. These documents were referred to us for our disclosure recommendation.

These documents are being withheld in their entirety as they contain third party tax return information. The release of such information is prohibited by 26 U.S.C. 6103. Hence, we consider the return information exempt from the disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552 in accordance with exemption (b)(3).

We are enclosing Notice 393, which provides information regarding your appeal rights.

Sincerely yours,

Joseph R. Simms

Chief, Section II
Freedom of Information
Branch

Enclosure
Notice 393

*David - tax
appeal to IRS
7/31/80*