

2349 N. Early Street
Alexandria, VA 22302
December 22, 1983

Dear Harold,

Enclosed is a belated list of possible FOIA concerns on the RFK documents currently released. Its obviously only an initial effort, and I'm sure it includes some things which shouldn't be there and excludes others which should. I'm exploring some of the suggestions you made when we talked, however, and would be grateful for any additional reactions you could give me on these and other points. (I have two kids who will be working on the documents next month, and, among other things, want to give them useful directions.) I'll call you about this sometime in the next week.

I was sorry about the raw deal you got on the 11/22 show, which I listened to part of. I have a tape of the first 1-1½ hours of it, if that would ever be of any use.

Best wishes for Christmas and the New Year.

Sincerely,

Greg Ste

Dear Greg,

12/23/63

I've answered your questions on half of the enclosed tape, which you need not return. I got a little sleepy while doing it near the stove, so ask if anything is unclear.

I can't figure the dirtyworks on the Pacifica show, particularly because I was asked to do precisely what [^] then did do.

However, there were some side benefits from the research.

Best wishes,

Aspects of FBI documents which may raise compliance questions under the Freedom of Information Act:

1. Bottom sections of all 302s are missing. These contain agent's name, initialling, and other information pertinent to the interview.
2. As part of the above, and possibly in other cases also, page numbers are missing on many pages.
3. On some pages, particularly where there is space at the bottom of the page, it is impossible to tell if deletions have occurred or not. Is there a right to know of the amount and location of material withheld?
4. Some serials have contents guides and others do not. Assuming that all long serials had contents pages, some have been withheld. This may well be related to the fact that in several cases whole sections have apparently been deleted and even the title of the deleted section has been withheld, by withholding contents list. Do the titles of investigative reports fall under exemptions of FOIA?
5. In line with number three above, there is no way of knowing how many pages may have been excluded at the end of some of the reports, especially in sections in which the page numbering is irregular (e.g. in introductory sections or in 3-3). Are the existence and number of withheld pages exempt information?
6. All names of agents in 302s and elsewhere are deleted, even in cases where names were otherwise available (e.g. in Kaiser book or in files made available to SBS defense). In JFK files, agents names were apparently made available in similar contexts.
7. Presumably the FBI took many more photographs of the Ambassador Hotel area (and possibly other areas) than are shown in section 1-2-D and elsewhere. (39 photos were made available in all under FOIA.) Other photos and negatives may be covered, even if not included in formal FBI reports.
8. Routing or filing instructions and material seem to be missing. Other administrative guidance or context information is lacking.
9. FBI serials in section 3-3 make it clear that activities and publicity on the case based on the work of independent investigators were monitored by the bureau. Reports on Kaiser and Charach are instances of this. Yet the available references of this kind end in 1973, before the activities and publications of 1974, 1975, etc. This raises the question of whether, and on what basis, post-1974 developments of this kind have been withheld under FOIA. The same point is applicable to the substantive advances in information about the case as represented, for example, in the developments in connection with the AP wirephoto or the firearms examiners activities. Have these developments been monitored by the FBI?

10. Most material reviewed in present documents is objective and informational, with less analytical content. There is limited documentary evidence of FBI appraisal, interpretation and judgement in connection with the information reported in comparison with accumulation of factual reports and summaries. This raises the issue of the likely existence or non-existence of analytical as opposed to informational documents.

11. The names of many citizens and interview subjects are deleted in these documents in ways which 1.) raise questions about the validity of the deletion under FOIA exemptions, and 2.) are inconsistent with FBI practice in other closely comparable instances. For example, the name of the dispatcher at Central Receiving Hospital is deleted, although the names of individuals present in the Ambassador Hotel or pantry and of Ambassador Hotel employees are released. In one case, the name of the ambulance attendant who picked up victim Elizabeth Evans was deleted on the first page of his interview report but provided on the second page. This suggests at least capriciousness and disorganization in the application of FOIA exemptions. (Note: All witness addresses are deleted; this is presumably a valid exemption.)

12. Little specific information is provided on the nature or findings of the SUS (LAPD) investigation of the case. Only rudimentary and publicly available information is provided on the course of the SBS prosecution and trial. No communications from SUS, LAPD, or other law enforcement agencies are contained or referenced.

13. No holographs (with the exception of correspondence referred to the FBI) appear anywhere in the present material.

14. FBI documents refer to sound tapes received and/or analysed or transcribed by the FBI. Would such tapes be subject to FOIA provisions? The same kind of questions exist with respect to other FBI physical evidence examinations and the supporting material, graphs, visual items or tests.

15. No index of subjects or witnesses appears, although presumably a careful one was compiled. Index material has been made available in the JFK case.

16. It is possible that material from the LA office - as opposed to Washington - files on the case has been excluded in the documents processed thus far.

17. Although five kinds of exemption are claimed in FBI correspondence on the case, it is sometimes uncertain which is the operative exemption in the case of a particular deletion.

18. Gaps in the numbering of the serials included raise questions about possibly excluded serials.

19. No depositions or transcripts of interviews appear anywhere.

20. A few scattered newspaper, magazine or book photocopies appear throughout the documents, but amount to probably less than 75 pages. Was there no clipping operation?

21. In some cases, the date on which a particular serial or report was filed is obscure or absent.
22. Some witnesses on the LAFD list of those present in the hotel pantry at the time of the shooting are absent from the FBI interview reports.
23. Some significant areas of information in the case (e.g. hypnosis, Owen, flight paths and bullet work, possible Sirhan organized crime contacts) seem to be under-represented.
24. The basis for some of the items of information given (e.g. in the serial introductory sections, area of wall panel reportedly contained a bullet hole) is not in view in the documents themselves. This raises the issue of possible prior source documents.
25. Cost and housekeeping aspects of the investigation do not show up in these files. (See housekeeping details on MLK at 3-3-1.)
26. Enclosures sometimes referred to (e.g. 3-3-4) are not always in evidence.
27. No detailed summary factual documents appear, such as a log of Sirhan locations in weeks prior to shooting, based on other reports.

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