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November 15, 1984

Mr. Greg Stone
424 W. Mifflin Street
Madison, Wisconsin 53703


Dear Greg:

I have made only a few revisions in the fifth draft of your request for RFK documents. I have two additional changes in mind. The first is to mention in the first paragraph that you are also represented by Teeter. I think I should give his office address and phone number, too, so if you send this information, I will have it incorporated in the first paragraph.

The second change is to reword the first sentence of the second paragraph on the first page to read "On behalf of our clients we request. . . ."

If you have any further comments, drop me a line. I will be in Illinois next week, but will be back at work on the 26th.

Best regards,


Jim Lesar

cc: Dr. Phil Melanson

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FREEDOM OF INFORMATION ACT REQUEST

Mr. James K. Hall, Chief
Freedom of Information/ Privacy Acts Section
Records Management Division
Federal Bureau of Investigation
Washington, D.C. 20535

Special Agent in Charge
Los Angeles Field Division
Federal Bureau of Investigation
11000 Wilshire Blvd.
Los Angeles, California 90024

Dear Sirs:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, we submit the following request on behalf of our clients, Mr. Gregory Stone and Dr. Philip H. Melanson.

Our clients request a complete and thorough search of all filing systems and locations for all Los Angeles Field Division and FBI Headquarters records maintained by the Federal Bureau of Investigations pertaining to the assassination of Senator Robert F. Kennedy and all investigative activities related thereto, including, but not limited to, files and documents captioned in, or whose captions include the names of Sirhan Bishara Sirhan or Robert Francis Kennedy (insofar as related to his assassination or the investigation thereof), or logical variants thereof, in the title. This request specifically includes "main" files and "see" references, including, but not limited to, numbered and lettered subfiles, 1A envelopes, enclosures behind files (EBFs), Bully Exhibits, control files, ticklers, agent interview notes, abstracts, index cards and "JUNE" files. We ask that all records be produced with administrative markings and that all reports include the administrative pages.

This request includes all original or duplicate photographs or films in the FBI's possession (regardless of source) relating to the case, all newsclips or media intercepts of any kind, and all original or duplicate sound recordings and related materials in existence. It also includes the 10-volume report of the police investigative unit known as "Special Unit-Senator," and all records relating to the findings or activities of that unit and of the other local law enforcement agencies with which it worked. This request includes all materials in these files up to the completion of the processing of this request.

We request all records of the Los Angeles Field Division and FBI Headquarters regardless of whether they have been previously processed. We are aware that a portion of the Headquarters material was processed in response to a Freedom of Information Act ("FOIA") request by Mr. Bernard Fensterwald and was released to him in 1976-1978. However, these materials contained many improper withholdings of such matters as names of FBI Special Agents, content listings, section titles, some page numbers, and date, time and location entries. The exemption claims for redactions are seldom if ever noted on these documents, and gaps of several or more pages often occur without any explanation of the number of pages deleted. Redacted portions are not blacked out and thus are not identifiable in the absence of an obvious gap. Many of the deletions seem questionable.

Because of the passage of time and the apparent misapplication of FOIA exemptions to these records, we request that these previously processed records be reprocessed to insure that maximum disclosure of nonexempt records is made. We also request that the Los Angeles files be processed before the Headquarters files.

We wish to be sent copies of "see" reference cards, abstracts, search slips, including search slips used to process this request, file covers, multiple copies of the same document if they contain notations distinguishing them from other copies, and tapes of any electronic surveillances. Please search "DO NOT FILE" files, SAC files, special file rooms, and offices of FBI officials. We want all pages released regardless of the extent of excising, even if all that remains are the stationery headings, page numbers, or administrative markings.

In addition to a search of the General Indices, please search the ELSUR Indices and the case index. We wish to receive a copy of the case index.

We request that the names of the FBI Special Agents and other personnel involved in the investigation not be excised absent specific facts showing that there is an actual serious threat that personal jeopardy or extreme embarrassment unrelated to the handling of the assassination investigation would result from such disclosure. This is important because the accounts of some local law enforcement, and some FBI documents, are at odds with the standard public interpretation of central issues of evidence. It should be noted in this connection that the Warren Commission released thousands of documents concerning the assassination of President Kennedy a comparable national tragedy, without deleting the names of any of the investigating agents. FBI agents active in this case have been identified in published accounts or in disclosures made by the Los Angeles District Attorney with no adverse consequences.

We wish to make it clear that we ask for all records of the Los Angeles Field Division identifiable with our request even though reports based on these records, or the same records themselves, were sent to FBI Headquarters, and even though there may be some duplications between the two sets of files.

The FOIA provides that if only portions of a record are exempted from release, the remainder must be disclosed. We therefore request that we be provided with all nonexempt portions which are reasonably segregable, and we reserve the right to appeal the withholding of any information. We want all nonexempt portions of any records within the scope of the request, regardless of whether the FBI considers them unintelligible or unrelated to the Robert Kennedy assassination.

Please place any "missing" files pertaining to this request on "special locate" and advise us that you have done this.

We believe that this request qualifies for a waiver of fees since the release of the requested information would primarily benefit the general public and would be "in the public interest." The Robert Kennedy assassination was clearly a momentous public tragedy, but in comparison with other comparable assassination cases relatively little official information concerning it has come to light. As a consequence of this, and of grave problems and unanswered questions in the present evidence, the case has been a matter of recurrent public interest and controversy, with central issues and basic facts remaining in doubt.

Once of the requesters, Gregory Stone, has been active on aspects of this case since 1974. During much of that time, he worked closely on these questions with the late United States congressman and ambassador Allard K. Lowenstein. He assisted Lowenstein with relevant articles and presentations and drafted a manuscript of over 250 pages detailing central issues of this case. He has pursued possibilities of publication of an updated version of this manuscript, as well as other publication possibilities on related issues. He has been interviewed concerning this case, has written and circulated various analyses of evidence, and has assisted in related legal actions on behalf of Paul Schrade, a friend of Senator Kennedy's who was wounded in the shooting. He has recently been active in seeking additional official and non-official sources of information on the case, working with others with similar concerns. He sponsored an academic project in this area in January, 1984, at Oberlin College, and he has pursued other related academic efforts. He has a master's degree in Political Science at the University of Wisconsin-Madison, and he was co-editor of a recent book, Acts of Courage and Belief (Harcourt Brace Jovanovich, 1983), which touched in part on these issues.

Dr. Philip H. Melanson is a professor of Political Science at Southeastern Massachusetts University and is a recognized expert on the subject of political violence and assassination in America. He has appeared on National Public Radio, on television, and has given numerous unpaid public lectures and interviews in these areas. He teaches two college courses dealing with the subject: Political Assassinations in America and Senior Research Seminar in Political Assassinations. He has published numerous scholarly articles and has edited or authored other books, including a newly published book on the problems of political assassination and the protection of public leaders, The Politics of Protection: The United States Secret Service in the Terrorist Age (Praeger Scientific Series, September, 1984). Professor Melanson also serves as an unpaid archival consultant to two institutions which maintain archival collections, The Southeastern Massachusetts University Library, which has already begun a collection on this case, and the Assassination Archives and Research Center, a not-for-profit corporation chartered in Virginia.

Both requesters are committed to making relevant source materials and work products on the assassination of Senator Kennedy accessible to journalists, scholars, and other interested members of the public, as they have done in the past. The requesters intend to deposit the records obtained as a result of this request to an archive where they will be available to researchers and the public.

A fee waiver is requested on the grounds that this request primarily benefits the general public and is not for commercial purposes. These materials are vital to historical understanding of a major national tragedy. Their disclosure will enrich public knowledge, as it is certain that these materials will be used by historians, political scientists, journalists, students and others for years to come. Denial of a fee waiver would constitute a denial of access because the requesters lack the funds to pay for search fees and copying costs. Mr. Stone is currently a graduate student in Political Science, and Dr. Melanson is restricted in these efforts to limited personal funds.

This request for a fee waiver excludes xeroxing costs for materials which are exact duplicates of records that have been previously processed and released. Requesters agree to pay for copies of such exact duplicates. A document is not considered by requesters to be an exact duplicate if it contains any notations or additional information not on the previously released copy. If and when the charges for such identical copies exceeds \$5.00, please notify us before proceeding further.

If you decide not to grant a fee waiver, we wish you to commence processing the records. However, do not incur more than \$150.00 in duplication charges without consulting us. We reserve all rights to recover any money paid should you determine not to waive fees.

Please send a memo (copy to us) to the appropriate FBI units to assure that no records related to this request are destroyed. Please advise us immediately if you learn of any destruction of pertinent records and include the date of, and authority for, such destruction.

Please advise us as soon as possible of your best estimate as to when processing and release of records responsive to this request will begin.

If you need any additional information or have any additional questions, please do not hesitate to write or call.

Sincerely yours,

James H. Lesar
Lawrence Teeter