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26 FEB 1985

**The Honorable George Bush
President of the Senate
Washington, D.C. 20510**

Dear Mr. President:

Submitted herewith, pursuant to the provisions of 5 U.S.C. 552(d), is the report of the Central Intelligence Agency concerning its administration of the Freedom of Information Act (FOIA) during calendar year 1984.

During 1984, 2,800 requests for information were logged and put into processing by the Agency, of which 1,519 were handled under the Freedom of Information Act. Several hundred additional request letters were received during the year but not formally processed pending receipt of additional information from the requesters. These incomplete requests were, with but one or two exceptions, requests for access to personal records, which, under the Agency's regulations, are usually processed under the provisions of the Privacy Act of 1974 (5 U.S.C. 522a) rather than the Freedom of Information Act. Production/workload statistics for CY 1984 are enclosed at Tab A.

During CY 1984 the number of requests for information increased by 334 over 1983. Despite the heavy demand to focus our resources on world intelligence problems, we were still able to devote the equivalent of 114 full-time employees to the effort. The dollar cost for personnel alone to sustain this effort amounted to over \$3.29 million. Of this total, \$1.97 million was devoted to FOIA. We have not factored in the cost of space and equipment needed to support our FOIA/PA activities, although we incurred substantial equipment costs in an effort to achieve greater efficiency in processing information requests. For example, during 1984 we purchased eight additional word processors and associated hardware for use by our case officers in composing correspondence to requesters. A significant improvement in the flow of correspondence was evident by the year's third quarter. We were, in fact, able to cope with a 14% increase in requests with no additional personnel and at the same time reduce our backlog by 191 cases. In December of 1984 we brought on board three retired annuitants as part-time contractors to work some of the larger cases that have tied up a significant amount of our staff

Central Intelligence Agency



Washington, D.C. 20505

26 FEB 1985

The Honorable Thomas P. O'Neill
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Submitted herewith, pursuant to the provisions of 5 U.S.C. 552(d), is the report of the Central Intelligence Agency concerning its administration of the Freedom of Information Act (FOIA) during calendar year 1984.

During 1984, 2,800 requests for information were logged and put into processing by the Agency, of which 1,519 were handled under the Freedom of Information Act. Several hundred additional request letters were received during the year but not formally processed pending receipt of additional information from the requesters. These incomplete requests were, with but one or two exceptions, requests for access to personal records, which, under the Agency's regulations, are usually processed under the provisions of the Privacy Act of 1974 (5 U.S.C. 522a) rather than the Freedom of Information Act. Production/workload statistics for CY 1984 are enclosed at Tab A.

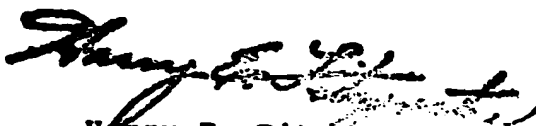
During CY 1984 the number of requests for information increased by 334 over 1983. Despite the heavy demand to focus our resources on world intelligence problems, we were still able to devote the equivalent of 114 full-time employees to the effort. The dollar cost for personnel alone to sustain this effort amounted to over \$3.29 million. Of this total, \$1.97 million was devoted to FOIA. We have not factored in the cost of space and equipment needed to support our FOIA/PA activities, although we incurred substantial equipment costs in an effort to achieve greater efficiency in processing information requests. For example, during 1984 we purchased eight additional word processors and associated hardware for use by our case officers in composing correspondence to requesters. A significant improvement in the flow of correspondence was evident by the year's third quarter. We were, in fact, able to cope with a 14% increase in requests with no additional personnel and at the same time reduce our backlog by 191 cases. In December of 1984 we brought on board three retired annuitants as part-time contractors to work some of the larger cases that have tied up a significant amount of our staff

officers' time. These contractors are still being trained, but their help should be evident during 1985. The number of administrative appeals did increase by 28 during 1984, but we consider an increase in appeals normal as initial responses increase. At year's end our appeal workload was 143 cases, the increase representing an appeal rate less than 1 percent of our initial responses.

Even discounting our expenditure for space and equipment, which was significant during 1984, the administrative burden of the Act continues to be as heavy as in past years. Since 1975 we estimate that the Agency has spent over \$28 million in personnel costs alone for processing information requests--\$15.6 million for FOIA. The provisions of the Act that permit the Agency to charge fees for record searches and duplication are inadequate for recovering even a reasonable part of the costs. The Agency has thus far collected a total of \$89,663 in fees. When compared with expenditures for administering just the FOIA, this continues to amount to a return of slightly over one-half cent on the dollar. Because of the number of fee waivers or fee reductions granted, the Agency was able to collect only \$4639 in fees and advance deposits during CY 1984--about half the amount collected in 1983.

With the passage of the CIA Information Act of 1984, our main concern about FOIA--namely its effect on our intelligence collection effort--should be alleviated. We believe that there will also be a beneficial result for our requesters in that manpower formerly devoted to reviewing files no longer subject to FOIA search can now be used to reduce our backlog and provide faster response on newer requests. Even though we expect our response time to improve considerably as a result, we will still be unable, as in past years, to meet the response time requirements imposed by the FOIA. The Agency is committed, however, to establishing a program designed to reduce substantially our current backlog of requests. Details concerning our efforts will be reported to Congress semiannually beginning in April. Additionally, the Agency will maintain the current budgetary and personnel allocation for processing FOIA requests for a period of two years following passage of the Act. These measures should result in a substantially reduced response time.

Sincerely,



Harry E. Fitzwater
Deputy Director
for
Administration

Enclosures

**FREEDOM OF INFORMATION ACT
ANNUAL REPORT TO THE CONGRESS FOR THE YEAR 1984**

1. Total number of initial determinations not to comply with a request for records made under subsection 552(a): 658
2. Authority relied upon for each such determination:

(a) Exemptions in 552(b):

<u>Exemption involved</u>	<u>Number of times (i.e., requests) invoked</u>
(b)(1)	540
(b)(2)	3
(b)(3)	593
(b)(4)	2
(b)(5)	7
(b)(6)	29
(b)(7)	13
(b)(8)	0
(b)(9)	0

(b) Statutes invoked pursuant to Exemption No. 3:

<u>Statutory citation</u>	<u>Number of times (i.e., requests) invoked</u>
50 U.S.C. 403 (d)(3) and/or 50 U.S.C. 403g	593

(c) Other authority: None

There were 583 other FOIA cases in which the requesters were neither given access to nor denied the records sought. None of these cases was regarded as a denial, however, inasmuch as the Agency was either prepared to act upon the request or there proved to be no records to act upon. Accordingly, they have not been included in the 658 figure provided in answer to question No. 1, above. In 148 instances, our searches uncovered no records relevant to the request. In 13 other cases, we found no CIA-originated records, but did locate in our files pertinent documents created by another agency, which were subsequently referred to the agency of origin for review and direct response to the requesters. There were 14 instances where the information requested did not fall under CIA's jurisdiction, and the requester was thus referred to the agency or agencies having cognizance over the records. In 9 cases, requesters appealed on the basis of our failure to respond within the statutory

deadline; in another 15 cases, the requesters chose not to exercise their right to administrative appeal and went directly into litigation for the same reason. In each of these instances, therefore, the initial processing of the requests progressed into the Agency's appellate or litigation channels. Fifteen requests were withdrawn by the requesters after processing had commenced, but before action on them could be completed. Finally, 369 cases were canceled by the Agency because of the failure of requesters to respond to letters asking for clarification, additional identifying information, notarized releases from third parties, fee payments, fee deposits, or written commitments that all reasonable search and/or copying fees would be paid, etc. In each of the latter cases, at least 90 days had elapsed without a reply from the requester before action was taken to discontinue processing.

3. Total number of administrative appeals from adverse initial decisions made pursuant to subsection (b)(6): 3

In nine other cases, requests which were initially processed under the provisions of the Privacy Act were processed under the Freedom of Information Act upon appeal, in accord with the wishes of the appellants. These were requests for access to personal records, which the CIA usually processes under the Privacy Act rather than the Freedom of Information Act.

(a) Number of appeals in which, upon review, request for information was granted in full: None

(b) Number of appeals in which, upon review, request for information was denied in full: 14

(c) Number of appeals in which, upon review, request was denied in part: 10

4. Authority relied upon for each such appeal determination:

(a) Exemptions in 552(b):

<u>Exemption invoked</u>	<u>Number of times (i.e., appeals) invoked</u>
(b)(1)	21
(b)(2)	0
(b)(3)	23
(b)(4)	0
(b)(5)	2
(b)(6)	6
(b)(7)	1
(b)(8)	0
(b)(9)	0

(b) Statutes invoked pursuant to Exemption No. 3:

<u>Statutory citation</u>	<u>Number of times (i.e., appeals) invoked</u>
50 U.S.C. 403(d)(3) and/or 50 U.S.C. 403g	23

5. Names and titles of those persons who, on appeal, were responsible for the denial in whole or in part of records requested and the number of instances of participation of each:

<u>Name</u>	<u>Title</u>	<u>No. of instances of participation</u>
Taylor, James H.	Former Inspector General	3
Fitzwater, Harry E.	Deputy Director for Administration	4
Gates, Robert M.	Deputy Director for Intelligence	4
Stein, John H.	Former Deputy Director for Operations	11
Stein, John H.	Inspector General	1
George, Clair E.	Deputy Director for Operations	5
Hineman, R. Evan	Deputy Director for Science and Technology	4

6. Provide a copy of each court opinion or order giving rise to a proceeding under subsection (a)(4)(F): etc.: None**7. Provide an up-to-date copy of all rules or regulations issued pursuant to or in implementation of the Freedom of Information Act (5 U.S.C. 552):**

Handbook HHB-70-1 submitted with the 1983 report is still valid.

8. Provide separately a copy of the fee schedule adopted and the total dollar amount of fees collected for making records available:-

See Tab B for a copy of the fee schedule.

The total amount collected and transmitted for deposit in the U.S. Treasury during 1984 was \$4,638.85.

9. A. Availability of records:

As the CIA does not promulgate materials as described in 5 U.S.C. 552(a)(2)(A)-(C), no new categories have been published.

In the case of each request made pursuant to the Freedom of Information Act, all reasonably segregable portions of records are released.

B. Costs

A total of 206,629 actual man-hours of labor was devoted during calendar year 1984 to the processing of Freedom of Information Act, Privacy Act, and mandatory classification review requests, appeals, and litigation. Taking into account leave and holidays, this would equate to approximately 114 full-time personnel. We estimate the average grade for professional employees at GS-12, and for clerical employees GS-06. The funds expended during calendar year 1984 on personnel salaries, if overtime payments are ignored, would thus amount to \$2.98 million. If fringe benefits such as retirement and hospitalization are factored in as amounting to 10 percent of the salaries, the total personnel costs come to \$3.29 million. Of this total, approximately \$1.97 million can be attributed to the Freedom of Information Act.

C. Compliance with time limitations for Agency determinations:

(I) Provide the total number of instances in which it was necessary to seek a 10-day extension of time: None

The Agency's processing backlogs have been such that in almost all instances the deadlines for responding to requests and appeals expired prior to our actually working on them. We were seldom in a position, for that reason, to assert that any of the three conditions upon which an extension must be based existed. We have, accordingly, explained the problem to requesters and appellants and apprised them of their rights under the law.

(II) Provide the total number of instances in which court appeals were taken on the basis of exhaustion of administrative procedures because the Agency was unable to comply with the request within the applicable time limits: 11

Of these, seven actions were brought under the FOIA and four were brought under both the FOIA and PA.

(III) Provide the total number of instances in which a court allowed additional time upon a showing of exceptional circumstances, together with a copy of each court opinion or order containing such an extension of time : 4

Copies of the pertinent court orders are attached at Tab C. No written order was issued by the court in May v. CIA (CA 84-0932). Additional time was granted pursuant to an oral agreement at status call.

D. Internal Memoranda:

See Tab D.

Production/Workload Statistics

	<u>FOIA</u>	<u>PA</u>	<u>EO*</u>	<u>TOTALS</u>	<u>%</u>
Workload:					
Cases carried over from 1983	1711	1118	317	3146	(53.0)
Cases logged during 1984	<u>1519</u>	<u>1052</u>	<u>229</u>	<u>2800</u>	(47.0)
Totals	<u>3230</u>	<u>2170</u>	<u>546</u>	<u>5946</u>	
Actions taken:					
Granted in full	227	200	88	515	(17.2)
Granted in part	387	380	137	904	(30.2)
Denied in full	271	152	72	495	(16.6)
No records found	148	437	0	585	(19.6)
No CIA records found	13	6	0	19	(0.6)
Cancelled	369	32	1	402	(13.4)
Withdrawn	15	2	1	18	(0.6)
Referred elsewhere	14	6	1	21	(0.7)
Early appeal	9	1	0	10	(0.3)
Early litigation	<u>15</u>	<u>7</u>	<u>0</u>	<u>22</u>	(0.8)
Totals:	<u>1468</u>	<u>1223</u>	<u>300</u>	<u>2991</u>	(100.0)
Cases carried over to 1985	1762	947	246	2955	
Change in workload	+51	-171	-71	-191	(-6)

*These are requests processed under the mandatory classification review provision of Executive Order 12356. Most of them are either referrals from the Presidential Libraries or declassification requests from other Federal agencies.

CENTRAL INTELLIGENCE AGENCY**32 CFR Part 1900****Public Access to Documents and
Records and Declassification
Requests****AGENCY:** Central Intelligence Agency.**ACTION:** Final rule.**EFFECTIVE DATE:** November 13, 1980.**§ 1900.25 Fees for records services.**

(a) Search and duplication fees shall be charged according to the schedule set forth in paragraph (c) of this section for services rendered in responding to requests for Agency records under this part. Records shall be furnished without charge or at a reduced rate whenever the Coordinator determines that a waiver or reduction of the charge is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Thus, the Coordinator shall determine the existence and extent of any identifiable benefit which would result from furnishing the requested information and he shall consider the following factors in making this determination:

(1) The public or private character of the information sought;

(2) The private interest of the requester.

(3) The numbers of the public to be benefited;

(4) The significance of the benefit to the public;

(5) The usefulness of the information to the public; and

(6) The quantity of similar or duplicative information already in the public domain. In no case will the assessment of fees be utilized as an obstacle to the disclosure of the requested information. The Coordinator may also waive or reduce the charge whenever he determines that the interest of the government would be served thereby. Fees shall not be charged where they would amount, in the aggregate, for a request, or a series of related requests, to less than \$6. Denials of requests for fee waivers may be appealed by writing to the Executive Secretary of the Information Review Committee, via the Coordinator.

(b) In order to protect the requester and the Agency from large, unexpected fees, when it is anticipated that the charges will amount to more than \$25, the processing of the request shall be suspended until the requester indicates his willingness to pay. The requester shall be notified and asked for his commitment to pay all reasonable search and duplication fees. At his option, the requester may indicate in advance a dollar limitation to the fees. In such an event, the Coordinator shall initiate a search of the system or systems of records deemed most likely to produce relevant records, instructing the system managers to discontinue the search as soon as the stipulated amount has been expended. Where an advance limit has not been stipulated, the Coordinator may, at his discretion or at the behest of the requester, compile an estimate of the search fees likely to be incurred in processing a request, or of such portion thereof as can readily be estimated. The requester shall be promptly notified of the amount and be asked to approve its expenditure. In those cases where the Coordinator estimates that the fees will be substantial, an advance deposit of 50 percent of the estimated fees will be required; in those cases where there is reasonable evidence that the requester may possibly fail to pay the fees which would be accrued by processing his request, an advance deposit of 100 percent of the estimated fees will be required. The notice or request for an advance deposit shall extend an offer to the requester whereby he is afforded an opportunity to revise the request in a manner calculated to reduce the fees. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requester.

(c) The schedule of fees for services performed in responding to requests for Agency records is established as follows:

(1) For each one quarter hour, or fraction thereof, spent by clerical personnel in searching for a record, \$1.50.

(2) For each one quarter hour, or fraction thereof, spent by professional personnel in searching for a record, \$3.50.

(3) For each on-line computer search, \$11.00.

(4) For each off-line (batch) computer search of Central Reference files, \$27.00.

(5) For all other off-line computer searches of Agency files, \$8.00 per minute of Central Processing Unit (CPU) time;

(6) For copies of paper documents in sizes not larger than 8½ X 14 inches, \$0.10 per copy of each page.

(7) For duplication of non-paper media (film, magnetic tape, etc.) or any document that cannot be reproduced on a standard office copier, actual direct cost; and

(8) For extra copies of reports, maps, reference aids, and other Agency publications, actual cost.

(d) Inasmuch as the Agency's systems of records are highly decentralized, several computer searches may be required to process a request, depending upon its scope. The computer search costs given in paragraph (c), of this section, do not include whatever professional clerical search time is needed to determine whether the records located are in fact responsive to the request.

(e) Search fees are assessable even when no records pertinent to the requests, or no releasable records are found, provided the requester has been advised of this fact and he has, that notwithstanding agreed to incur the costs of search.

(f) For requests which have accrued substantial search and duplication fees, or for requests for records which have been previously released, or where there is reasonable evidence that the requester may possibly fail to pay the accrued fees, then, at the discretion of the Coordinator, the requester may be required to pay the accrued search and duplication fees prior to the actual delivery of the requested records; otherwise, the requester shall be billed for such fees at the time that the records are provided. Payment shall be remitted by check or money order, made payable to the Treasurer of the United States, and shall be sent to the Coordinator. No appeals or additional requests shall be accepted for processing until the requester has paid all outstanding charges for services rendered under this part.

V.

Defendant.

Civil Action No. 84-2091

O R D E R

ORDERED that, if in the meantime particular documents are located which can readily be released to plaintiff, the defendant may do so in its discretion without prejudice to the schedule it proposes when it files its answer.

Gerhard A. Gezell
GERHARD A. GESELL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Carving
11/1/84
ALITE SAINVIL

CIVIL ACTION

vs.

UNITED STATES DEPARTMENT OF STATE
and UNITED STATES CENTRAL INTELLIGENCE
AGENCY

NO. 84-0108

FILED

APR 6 1984

MICHAEL J. DE...

BEFORE WEINER, J.

AND NOW, this 6th day of APRIL, 1984,
it is ORDERED that pursuant to agreement of counsel the above-
entitled matter is Dismissed without Prejudice. The case is to
remain in status quo and the Statute of Limitations is tolled.

It Is Further agreed that if the transaction of
this matter is not resolved between the parties, this action maybe
reinstated and placed on the active docket by any of the parties
writing directly to the Court.

ATTEST:

OR

BY THE COURT:

BY:

Shirley Velasco
DEPUTY CLERK

JUDGE

4/9/84 copy mailed to:

L. Rieser, Esq.

A. Ewing, Jr. A.U.S. Atty
(L.E.)

CIA

11/1/84

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84-0661

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANTHONY SUMMERS,

Plaintiff,

v.

**CENTRAL INTELLIGENCE AGENCY
et al.**

Defendants.

Civil Action No. 84-2754

FILED

NOV 8 1984

S T I P U L A T I O N JAMES F. DAVEY, Clerk

Pursuant to the discussion at the status call on October 24, 1984, the parties stipulate as follows, subject to the Court's approval.

I. Plaintiff filed this action on September 10, 1984, seeking records from the following agencies or components of the United States government:

- A. The Federal Bureau of Investigation (FBI)
- B. The Central Intelligence Agency (CIA)
- C. The Department of the State
- D. The Department of the Treasury
- E. The Department of Justice
 - 1. The Criminal Division
 - 2. The Office of the Attorney General
 - 3. The Office of Intelligence Policy and Review

Plaintiff seeks these documents to assist in research on a book on the death of movie actress Marilyn Monroe.

II. The agencies and components have been processing plaintiff's requests both before and after this case was filed.

In addition, continuing and extensive discussions have taken place between counsel for the parties and agency representatives regarding the handling of plaintiff's requests.

III. This stipulation has been entered in order to accommodate four concerns:

- A. The orderly disposition of this lawsuit.
- B. Plaintiff's desire to receive materials pertinent to his research within a reasonable time.
- C. The need to reduce the tasks presented to the agencies in order to accomplish III B above.
- D. The need to process the records in a careful manner, so that plaintiff will receive that which he is entitled to, while at the same time assuring that exempt information is properly protected, e.g., classified material, internal memoranda, confidentiality and legitimate privacy interests.

IV. Because of the limited amount of its potentially responsive material, the State Department has completed its processing of the documents, and has reported the results to plaintiff, furnishing certain documents. The Treasury Department and the Justice Department components other than the FBI have completed their searches and reported to plaintiff that they have no responsive documents.

V. Plaintiff and defendant FBI have agreed to a reformulation of the scope of several of plaintiff's Freedom of Information Act (FOIA) requests as specifically set forth below. This

reformulation recognizes the desire on the part of the plaintiff to receive as much information as soon as possible on the ultimate subject of his various FOIA requests; that being the life and death of Marilyn Monroe and her relationships with various public figures, including Robert F. and John F. Kennedy. This reformulation also recognizes the voluminous amount of information in FBI files relevant to the subject of the actual individual request which appears to have no relevance to the research on plaintiff's book. For example, in the Spindel request (Request 245455, Count II) Federal Bureau of Investigation Headquarters (FBIHQ) files contain approximately 6,000 pages relating to Spindel, but very few references either to Marilyn Monroe or to the two areas plaintiff deemed related. Therefore, the reformulation will reduce the amount of processing yet to be addressed by the FBI and hasten its completion.

In general, records on each reformulated request will first be reviewed to determine if they bear in any reasonable manner on Monroe during the period 1961-1963 or late 1966 - early 1967. The dates 1961-1963 have been chosen because they represent the several years prior to and after her death. The late 1966 - early 1967 period was chosen because of allegations that certain wiretap tapes of Monroe's voice with others were confiscated in a raid by local authorities on Spindel's home. Once these records are reviewed, only that information pertinent to the reformulated request will be processed under the FOIA for release to plaintiff. It is understood that this stipulation controls the extent of the FBI's FOIA processing of the subjects discussed herein and that

those prior requests which have been reformulated are rendered moot by this stipulation.

This stipulation will also address the amount of material remaining to be processed under the reformulation and the approximate amount of time necessary to accomplish this. In addition, this stipulation will describe in general terms the material requested by plaintiff which has already been processed and released.

A. Marilyn Monroe: The FBI has already furnished plaintiff with previously processed material concerning Monroe. In addition, 25 "see" references (amounting to approximately 180 pages) must be processed for FOIA exemptions by the Disclosure Unit of the FBI's Freedom of Information Privacy Acts (FOIPA) section, Records Management Division (RMD). These "see" references must also be processed by the Classification Appeals and Affidavits Unit (CAAU) of the FBI's RMD to determine if classified information is contained in the "see" references. The FBI represents that: (1) The task of processing these documents to afford maximum releasability to plaintiff while insuring that applicable provisions of Executive Order 12356 (regarding National Security Information) are complied with is a time consuming one and accounts for a majority of the processing period. (2) In processing "see" references, it is necessary to examine not only the references themselves, but also other documents bearing on releasability, which may be extensive. (3) This review by the Classification Appeals and Affidavits Unit is also necessary for other portions of plaintiff's requests and this discussion similarly applies to those requests and will be noted as appropriate.

B. Novotny: Preprocessed material concerning Novotny had already been made available for release to plaintiff while 18 additional "see" references remained for processing. It has recently been determined that these "see" references are identical to material already provided plaintiff through the "Bowtie" request (discussed infra). Therefore, no further processing remains on Novotny.

C. Greenson: Eight "see" references amounting to approximately 20 pages must be processed by the CAAU and then returned to the Disclosure Unit for further processing and release to plaintiff.

D. Sukarno: One 160 page "main" file and 132 "see" references pertaining to Sukarno were reviewed according to the reformulated request and 40 "see" references amounting to approximately 100-130 pages were determined to be relevant and must be reviewed by CAAU and then returned to the Disclosure Unit for further processing and release to plaintiff. 1/

E. Field: 850 pages pertaining to Field must be reviewed by CAAU prior to review by the Disclosure Unit before release. Plaintiff has indicated that processing of the Field material is not a priority matter and therefore it is agreed that while this material will be processed, it will be done only after other priority processing has been completed. This will not be accomplished within the deadline covered by this stipulation.

1/ In the case of Sukarno, the request was reformulated to relate to Sukarno's sexual proclivities.

F. 94-37374: This file is identical to Hoover's "O&C" files on John F. Kennedy and has been preprocessed for release to other requestors. Arrangements are underway to forward this material to plaintiff.

G. Miller, Frasca, Chang, Renay: Plaintiff has been advised that without written authorization from these individuals, the FBI could neither confirm nor deny the existence of records pertaining to them because to do so would constitute an impermissible invasion of their personal privacy. Plaintiff has to date not provided these authorizations and therefore the FBI has not searched its central records systems indices for references to them. No action is, therefore, to be taken as to them.

G. Bowtie: Certain preprocessed material on "Bowtie" requested by plaintiff has been forwarded to him. 2/

H. Horan: Eight "see" references amounting to approximately 20 pages must be reviewed and processed by the Disclosure Unit, and, if classification implications are found, these references must also be reviewed by the CAAU.

I. Capell: The Disclosure Unit has reviewed approximately 1,600 pages of material pertaining to Capell with the objective of determining its relevance to the reformulated request. Material dated from 1961-1963 was reviewed for any connection to Marilyn Monroe, Robert F. Kennedy and/or either or both of their sexual proclivities or Monroe's suicide and none

2/ Plaintiff reserves the right to request that the "Bowtie" material be re-classified but it is agreed that such reclassification will not be accomplished in the time period specified herein.

were located. Therefore, no further processing of these files will be undertaken. 3/

3. Spindel: In an effort to reduce the amount of processing necessary on the approximately 6,000 pages pertaining to Spindel, it was agreed that the various FBIHQ files would be grouped in beginning and ending date order and that only those files or references falling within the relevant dates would be reviewed for relevance to the reformulated request. It was agreed that files which fell within 1961-1963 and all of 1967 would be reviewed. For example, if a file was opened on January 2, 1960 and closed on January 1, 1962 it would be reviewed; conversely, if a file was opened on October 1, 1955 and closed on October 1, 1960, it would not be reviewed. Only those files which were open at some period within the relevant dates were reviewed. Based on these parameters, Special Agent Douglas S. Garrison of the FBI's Legal Counsel Division personally reviewed approximately 20 main files or "see" reference for information falling within the reformulated request. In addition to the general reformulation discussed earlier, this material was also reviewed to determine if it contained references to a raid by local authorities on Spindel's home in which tape recordings pertaining to Monroe were seized, or any lawsuit relating to said raid. Five references were located which are arguably within the scope of the reformulated request, one of which is a public source document. These documents will be

3/ During the parties' discussion of this stipulation, plaintiff requested an amplification of the reformulation as to Capell. The parties intend to present a supplemental stipulation in this respect on or before November 30, 1984.

reviewed by the Disclosure Unit for processing, and, if necessary by the CAAU, prior to release.

On February 16, 1964 after a request from plaintiff for records on Spindel, the New York Office of the FBI advised plaintiff that a search of the New York Office indices had not located any references to Spindel. After a review of FBIHQ files by SA Garrison, a number of communications from New York were noted, indicating that New York had records which they had failed to locate. Upon re-examination of the New York Office indices, records pertaining to Spindel were located and are currently being processed for release in accordance with the reformulation described herein. This processing will be completed within the time established by this stipulation.

J. Balletti, Ratterman: The FBI identified the Balletti materials and plaintiff's counsel informed the agency that he had received them for a different requestor. It was agreed that they would not be further processed. SA Garrison informed plaintiff's counsel that the Ratterman materials did not contain any reference to Marilyn Monroe or to her involvement with Robert F. Kennedy or John F. Kennedy. Plaintiff has requested that the public source material relating to Ratterman be processed. The FBI will do this, and will ascertain whether this can be accomplished within the time period specified herein.

VI. The FBI represents that it has committed considerable personnel and resources to the processing agreed upon in this stipulation, consistent with its huge backlog of FOIA requests in processing and litigation, many of which are under court deadlines. It is agreed that the FBI will complete the processing of plaintiff's

reformulated request within three months of the date of this stipulation. It is agreed that as material is processed, it will immediately be forwarded to plaintiff on a continuing basis.

Plaintiff has indicated that he desires that processing of the Monroe "see" references be accomplished first, followed, in order of priority, by Sukarno, Greenson and Horan.

VII. The CIA.

A. On 3 August 1983 plaintiff submitted a FOIA request to CIA for information pertaining to the following 12 persons:

Arthur Miller
Joe DiMaggio, Sr.
A. Frank Cappell
Judith Meredith
Fred Otash
Reed Wilson
Fred Bauersfeld
Frank Sinatra
Stanley Gerbobaz
Hyman Engleberg
Arthur James Balletti
Ralph Greenson

B. On 25 August 1983 defendant CIA responded to the plaintiff's FOIA request of 3 August by requesting biographic data on the following six persons:

Judith Meredith
Fred Bauersfeld
Fred Otash
Stanley Gerbobaz
Reed Wilson
Arthur James Balletti

C. Also in CIA's response of 25 August it requested statements authorizing the release of personal information on the following 10 persons:

Arthur Miller
Joe DiMaggio, Sr.
Judith Meredith
Fred Otash
Reed Wilson

Fred Bauersfeld
Frank Sinatra
Hyman Engleberg
Ralph Greenson
Arthur James Balletti

D. Further, in its letter of 25 August defendant CIA denied a fee waiver which had been requested by plaintiff in his letter of 3 August.

E. On 22 December 1983 plaintiff provided copies of death certificates pertaining to Frank A. Capell and Ralph R. Greenson.

F. On 11 January 1984 defendant CIA acknowledged receipt of the two aforementioned death certificates and reminded plaintiff that he had not made a commitment to pay search fees. Plaintiff was told that further processing of his request would be held in abeyance pending his commitment to pay search fees.

G. On 28 November 1983 plaintiff made a FOIA request to CIA for information pertaining to Fredrick Vanderbilt Field. Plaintiff enclosed a notarized privacy waiver from Mr. Field but did not make a fee commitment.

H. On 14 December 1983 defendant CIA acknowledged receipt of plaintiff's request pertaining to Field, and informed plaintiff that CIA would not begin processing this request until he had made a commitment to pay fees.

I. On 27 January 1984 plaintiff submitted a FOIA request to CIA for records pertaining to Bernard B. Spindel. Plaintiff enclosed a copy of Mr. Spindel's death certificate.

J. On 24 February 1984, CIA acknowledged receipt of plaintiff's request pertaining to Mr. Spindel. CIA also asked for Spindel's date of birth, and informed plaintiff that there

could be no waiver of search fees at that time and that processing of the Spindel request would be held in abeyance pending receipt of plaintiff's fee commitment and Mr. Spindel's date of birth.

K. On 19 April 1984 plaintiff submitted a FOIA request to CIA for records pertaining to Marie Novotny. A copy of Ms. Novotny's death certificate was enclosed with this correspondence. Plaintiff made no fee commitment in this request.

L. On 8 May 1984 defendant CIA acknowledged receipt of plaintiff's FOIA request of 19 April.

M. On 10 September 1984 plaintiff filed the instant civil action.

N. On 24 September 1984 plaintiff made the requisite fee commitments with respect to his requests for records pertaining to Spindel and Capell.

O. The Central Intelligence Agency has undertaken a thorough and diligent search of all appropriate records systems for records pertaining to Messers Capell and Spindel.

P. With respect to Mr. Capell no records were found.

Q. With respect to Mr. Spindel, CIA identified the following records which may be responsive to plaintiff's request:

(1) 17 CIA documents consisting of approximately 45 pages; and

(2) 15 FBI documents consisting of approximately 98 pages. (These documents are being referred to the FBI for direct response to the plaintiff.) 4/

4/ Until the FBI has had an opportunity to review these referred documents, it cannot estimate the time for their processing.

R. The responsive CIA documents pertaining to Mr. Spindel contain only a single, two-sentence, reference to Marilyn Monroe contained in a six page CIA document dated 20 February 1967.

VIII. Pursuant to the direction of this Court, attorneys for plaintiff and CIA have met and discussed the possibility of plaintiff narrowing his request. As a result of those discussions, plaintiff has agreed to narrow his request to include records pertaining to Mr. Spindel which mention or reflect a relationship or connection, of any kind, between Mr. Spindel and Marilyn Monroe.

IX. Defendant CIA has agreed in turn to provide within two days a copy of the document pertaining to Mr. Spindel which contains the single reference to Ms. Monroe. (CIA has no other documents responsive to the request as narrowed.) Although this document will be sanitized, the reference to Ms. Monroe will be released in its entirety.

X. Without further search fee commitments, defendant CIA will continue to hold plaintiff's remaining FOIA requests in abeyance. 5/

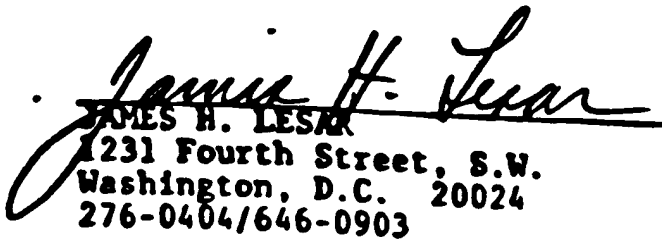
5/ On November 6, 1984, plaintiff's counsel orally stated to defendants' counsel that plaintiff's counsel is writing a letter making a fee commitment as to four additional individuals. The parties are discussing the formulation of those requests and the timing of their processing, and intend to supplement this stipulation with an additional stipulation on or before November 30, 1984. With these four individuals, plaintiff concluded the commitments which he is willing to make for searches on the subjects which are within the scope of this lawsuit.

XI. This action is hereby dismissed with prejudice as to all agencies and components except the FBI, except that, if documents are referred to any of the dismissed agencies and components, plaintiff does not waive his right to litigate as to the referred documents, and plaintiff reserves the right to litigate the fee waiver issue. In the event plaintiff should prevail on the fee waiver issue, he would not be foreclosed from litigating the issue of CIA's position of requiring a death certificate or authorization, where the request concerns living persons, before searching. See also footnote 5 above. In order not to interfere with the FBI's processing of documents, such litigation shall not take place before February 6, 1985.

XII. Each party shall bear its own costs and attorneys' fees, except as follows: in the event that plaintiff should choose to challenge exemptions invoked by the government, and should do so successfully, plaintiff reserves the right to seek attorneys' fees and costs solely for such challenge, and defendants reserve the right to oppose such application; plaintiff also reserves the right to seek attorneys' fees and costs if he successfully challenges denial of a fee waiver, and defendants reserve the right to oppose such application.

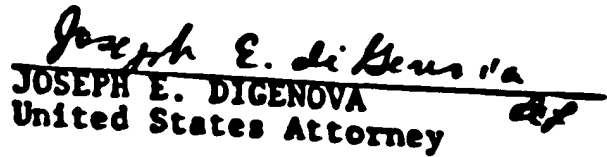
XIII. This action is dismissed without prejudice as to the FBI. Plaintiff reserves the right to move to reinstitute this action as to the FBI--which motion the FBI shall not oppose- on or after February 6, 1985. The reformulations of requests

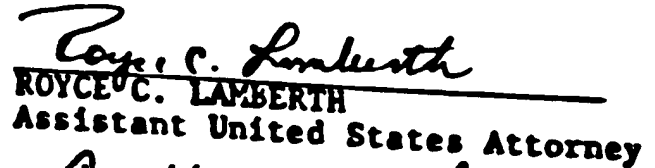
specified in this stipulation shall fully govern in any such
reinstated lawsuit.

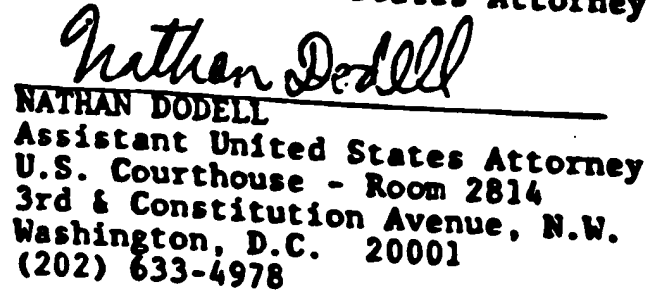

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Respectfully submitted,

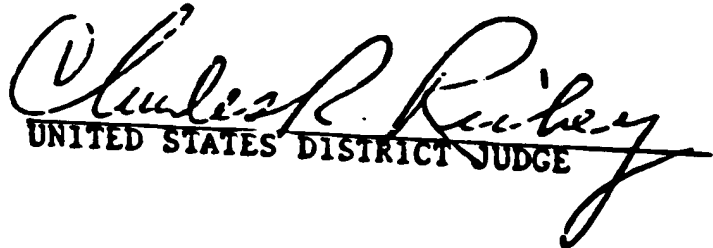

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Approved this 8th day of November, 1984


UNITED STATES DISTRICT JUDGE

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