



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

August 31, 2022

JOHN GREENEWALD JR.  
SUITE 1203  
27305 WEST LIVE OAK ROAD  
CASTAIC, CA 91384

FOIPA Request No.: 1500813-000  
Subject: THEOHARIS, ATHAN GEORGE

Dear John Greenewald:

The FBI has completed its review of records subject to the Freedom of Information/Privacy Acts (FOIPA) that are responsive to your request. The enclosed documents were reviewed under the FOIPA, Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552

☐ (b)(1)

☐ (b)(2)

☒ (b)(3)

50 U.S.C. 3024(i)

☐ (b)(4)

☐ (b)(5)

☒ (b)(6)

☐ (b)(7)(A)

☐ (b)(7)(B)

☒ (b)(7)(C)

☒ (b)(7)(D)

☒ (b)(7)(E)

☐ (b)(7)(F)

☐ (b)(8)

☐ (b)(9)

Section 552a

☐ (d)(5)

☐ (j)(2)

☐ (k)(1)

☐ (k)(2)

☐ (k)(3)

☐ (k)(4)

☐ (k)(5)

☐ (k)(6)

☐ (k)(7)

25 page(s) were reviewed and 19 page(s) are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- ☐ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- ☐ This information has been referred to the OGA(s) for review and direct response to you.
- ☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.



See additional information which follows.

Sincerely,



Michael G. Seidel  
Section Chief  
Record/Information  
Dissemination Section  
Information Management Division

Enclosure(s)

This is the final release of information responsive to your FOIPA request. This material is being provided to you at no charge.

Based on the information you provided, we conducted a main and reference entity record search of the Central Records System (CRS) per our standard search policy. For more information about records searches and the standard search policy, see the enclosed FBI FOIPA Addendum General Information Section.

Enclosed are cross-references that are identifiable with the subject of your request. Cross-references are defined as mentions of the subject of your request in files to other individuals, organizations, events, or activities. In processing the cross-references, the pages considered for possible release included only those pages that mention the subject of your request and any additional pages showing the context in which the subject of your request was mentioned.

Duplicate copies of the same document were not processed.

A record that may be responsive to your Freedom of Information/Privacy Acts (FOIPA) request has been transferred to the National Archives and Records Administration (NARA). If you wish to review these records, submit a Freedom of Information Act (FOIA) request to NARA, Special Access and FOIA, 8601 Adelphi Road, Room 5500, College Park, MD 20740-6001. Please reference the file numbers: 161-HQ-11419, 67-HQ-39021, 101-HQ-2668, 65-HQ-58236, 161-HQ-5277, and 161-HQ-10841.

Records that may have been responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 as implemented by Title 36, Code of Federal Regulations, Part 1228; Title 44, United States Code, Section 3310 as implemented by Title 36, Code of Federal Regulations, Part 1229.10.

## FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

### Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the [www.fbi.gov/foia](http://www.fbi.gov/foia) website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

### Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C. §§ 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C. § 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

### Part 3: General Information:

- (i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.
  - a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
  - b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.
- (iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at [www.fbi.gov/about-us/cjis/identity-history-summary-checks](http://www.fbi.gov/about-us/cjis/identity-history-summary-checks). Additionally, requests can be submitted electronically at [www.edo.cjis.gov](http://www.edo.cjis.gov). For additional information, please contact CJIS directly at (304) 625-5590.

## **EXPLANATION OF EXEMPTIONS**

### **SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could reasonably be expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

### **SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



This document is made available through the declassification efforts  
and research of John Greenewald, Jr., creator of:

# The Black Vault

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The Black Vault is the largest online Freedom of Information Act (FOIA)  
document clearinghouse in the world. The research efforts here are  
responsible for the declassification of hundreds of thousands of pages  
released by the U.S. Government & Military.

**Discover the Truth** at: **<http://www.theblackvault.com>**

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1500813-000

Total Deleted Page(s) = 6

Page 8 ~ Duplicate;  
Page 9 ~ Duplicate;  
Page 10 ~ Duplicate;  
Page 13 ~ Duplicate;  
Page 14 ~ Duplicate;  
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FBI

Date: 4/8/65

Transmit the following in PLAIN ~~CONFIDENTIAL~~  
(Type in plain text or code)

Via AIRTEL

(Priority or Method of Mailing)

TO: DIRECTOR, FBI

FROM: SAC, DETROIT [redacted]

FACULTY COMMITTEE TO END THE  
WAR IN VIETNAM  
INFORMATION CONCERNING  
[redacted]

Re Detroit teletype to Bureau 4/7/65. U

There are enclosed for the Bureau 12 copies of a LHM dated and captioned as above. Information copy is furnished for New York and two copies for Washington Field Office of LHM. U

Dissemination has been made locally at Detroit to G-2, OSI and U.S. Secret Service, Detroit, as well as to ONI, Chicago, because of earlier stated interest of those agencies. U

LHM classified confidential to protect the identity of source of continuing value to this office. U

First source referred to in LHM is [redacted] who furnished this information to SA J. RAYMOND COGHLAN. U

Source advised that sub-committees of captioned organization are currently meeting with regard to arranging a "national teach-in". The exact time and place for same is not as yet determined, however, will be furnished by the source at which time the Bureau and appropriate offices will be promptly notified. U

- 6 - Bureau (Enc. 12) (RM)  
(1 - DEMONSTRATION PROTESTING U.S. INTERVENTION IN VIETNAM)  
(1 - ADHOC COMMITTEE TO AID THE VIETNAMESE)  
1 - New York (Enc. 1) (RM)  
2 - Washington Field (Enc. 2) (RM)  
4 - Detroit

JRC:JLM (13)

Approved:

Special Agent in Charge

DATE FOR  
HOW EC

Sent

BY: [signature]

M

Per

b3  
b7E

UNRECORDED COPY OF E-3L FILED IN

APPROPRIATE AGENCIES  
AND FIELD OFFICES  
ADVISED BY ROUTING  
SLIP(S)  
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DATE 10-15-80  
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EXTENDED BY SP2TAP/BRK/emb  
REASON: 1.5 EXTENSION  
FCIM, II, 1-2.4.2  
DATE FOR REVIEW FOR  
DECLASSIFICATION 4-8-83  
3-21-80

4 APR 13 1965

ENCLOSURE

~~CONFIDENTIAL~~

[REDACTED]

Detroit indices contain no information regarding LEO STODOLESKY, WILLIAM A. GAMSON, MARSHALL L. SAHLINS or ERIC R. WOLF except that they have been active in captioned organization. U

Detroit indices reveal that MARC H. (HANSEN) ROSS is the brother of JOHANNA HANSEN ROSS, Subject of current espionage investigation by the New York Office (Bufile 100-439350) X

Detroit indices are negative concerning RICHARD MERBAUM and ATHAN THEOHARIS and contain no information indicating that JOHN WEISS or ROLLAND WRIGHT are members of or affiliated with any subversive organizations. U

The second source in the attached LHM is [REDACTED] Detroit, Source of Information. U

The third source is former [REDACTED] U

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b7C  
b7D

LEADS

WASHINGTON FIELD

AT WASHINGTON, D.C.

Washington Field is requested through sources to be alert to the activities of group of educators referred to in LHM, particularly for any information which might have a bearing on the proposed national "teach-in" to be held at Washington, D.C. or New York. No information is available presently as to where these professors are to meet at Washington, D.C. It is known that the University of Michigan contingent is departing from Ann Arbor, Michigan, 4/7 and 8/65. J

DETROIT

AT ANN ARBOR, MICHIGAN

Will maintain close contact with established sources for additional information concerning activities of captioned organization. U



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Detroit, Michigan

April 8, 1965

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

In Reply, Please Refer to  
File No.

Re: Faculty Committee to  
End the War in Vietnam U

[ A confidential source, who has furnished reliable information in the past, advised on April 7, 1965, as follows: ] Q

Captioned organization had earlier discussed proposed action at Washington, D.C. as a follow-up on their earlier "teach-in" held at the University of Michigan (U of M), March 24-25, 1965, as a protest of United States intervention in Vietnam. He advised that this group has arranged what it calls "an academic lobby" which the group described as a "massive lobbying endeavor", whose aim is to convince Congressmen of the illegality of the Vietnam war and to urge negotiations rather than escalations in that war. U

He added the "academic lobby" is to be held at Washington, D.C. April 8 through 10, 1965, and is expected to involve some 50 professors from universities and colleges throughout the country who are participating in the lobbying effort and will confer regarding future national effort in protest of the Vietnam war. U

This source advised that U of M faculty representatives to participate in this "academic lobby" have been identified as follows:

Professor Marc H. Ross  
Professor Leo Stodolesky  
Professor William A. Gamson  
Professor Marshall D. Sahllins  
Professor Arnold F. Kaufman

~~CONFIDENTIAL~~

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b7C

~~CONFIDENTIAL~~

~~GROUP 1~~

~~Excluded from automatic  
downgrading and  
declassification~~

APPROPRIATE AGENCIES  
AND FIELD OFFICES  
ADVISED BY ROUTING  
SLIP(S)  

DATE 10-15-80

CLASSIFIED AND  
EXTENDED BY SP2 TAP/IRB/lmb  
REASON FOR EXTENSION  
FCIM, II, 1-2.4.2  
DATE OF REVIEW FOR  
DECLASSIFICATION 4-8-85  
3-21-80

ENCLOSURE

62-110039-23

~~CONFIDENTIAL~~

Re: Faculty Committee to  
End the War in Vietnam

~~CONFIDENTIAL~~

Source advised that Professor Eric R. Wolf, Department of Anthropology, U of M, who has been active in this committee at the U of M, was also scheduled as a sixth member of the Michigan Delegation who was forced to cancel his plans for participation due to illness.

The source advised that some 48 United States universities and colleges are claimed by this organization to have either held or to have agreed to hold "teach-ins" on their campuses similar to the "teach-in" previously held at the U of M.

He advised that the U of M group is planning a national "teach-in" to be held at either New York City or Washington, D.C., either in late April or early May, 1965.

An article which appeared on page 1, column 6-7, of the "Michigan Daily", U of M publication, October 13, 1961, captioned "SGC Discussion Group Debates 'Myth of Marx' ", states that "The myth of Marx as the great social prophet" highlighted the Student Government Council seminar last night....". Leading a discussion on the validity of Marxist theory were Professor Stephen Tonsor of the History Department, Professor Frank Grace of the Political Science Department and Professor Arnold Kaufman of the Philosophy Department. The article states that Professor Kaufman, disagreeing with the two previous speakers, believes Marx to be "one of the great sociologists of the nineteenth century".

On April 7, 1965, a second source, who has furnished reliable information in the past, advised that a group of five professors from Wayne State University were going to Washington, D.C. to participate in the lobbying effort against the war in Vietnam. The source identified these five professors as follows:

~~CONFIDENTIAL~~

CONFIDENTIAL

Re: Faculty Committee to  
End the War in Vietnam U

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

Otto Feinstein  
Rolland Wright  
Richard Merbaum  
John Weiss  
Athanasio Theoharis U

CE On March 31, 1965, a third source, who has furnished reliable information in the past, advised that during February, 1958, leaders of the Young Socialist League (YSL) in Chicago, Illinois, stated that they believed Otto Feinstein to be connected with the Communist Party youth movement in Chicago because of his "Stalinist" views. The source advised that the Chicago YSL leaders did not elaborate on these views held by Feinstein. U

A characterization of the YSL is attached hereto as an appendix page. U

All sources utilized in the attached appendix pages have furnished reliable information in the past. U

This document contains neither recommendations nor conclusions of the Federal Bureau of Investigation. It is the property of the Federal Bureau of Investigation and is loaned to your agency; it and its contents are not to be distributed outside your agency. U

~~CONFIDENTIAL~~



# Memorandum



Exec AD Adm. \_\_\_\_\_  
 Exec AD Inv. \_\_\_\_\_  
 Exec AD LES \_\_\_\_\_  
 Asst. Dir.:  
 Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Insp. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Lab. \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_ b6  
 Off. Cong. & Public Affs. \_\_\_\_\_ b7C  
 Rec. Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director's Sec'y \_\_\_\_\_

To

[Redacted]

Date 10-5-83

From

[Redacted]

Subject: INFORMATION SECURITY OVERSIGHT OFFICE (ISOO)  
REGARDING FREEDOM OF INFORMATION ACT (FOIA)  
REQUESTED BY PROFESSOR ATHAN THEOHARIS

PURPOSE: To request that the Disclosure Unit (DU-I), Freedom of Information-Privacy Acts Section (FOI-PAS), and Document Classification Unit (DCU), Document Classification and Review Section (DCRS), Records Management Division (RMD), provide a response to the questions raised in Professor Athan Theoharis' letter to ISOO. The official response to ISOO will be coordinated by the Security Programs Unit (SPU), Operation Section (OS), RMD.

RECOMMENDATIONS: 1. That DU-I, FOI-PAS, RMD, submit responses to the questions raised by Professor Athan Theoharis, insofar as they relate to the responsibilities of that Unit, in a form suitable for dissemination to ISOO through SPU.

|                    |                   |                                    |
|--------------------|-------------------|------------------------------------|
| APPROVED:          | Adm. Servs. _____ | Laboratory _____                   |
|                    | Crim. Inv. _____  | Legal Coun. _____                  |
| Director _____     |                   | Off. of Cong. & Public Affs. _____ |
| Exec AD-Adm. _____ |                   | Rec. Mgnt. _____                   |
| Exec AD-Inv. _____ |                   | Tech. Servs. _____                 |
| Exec AD-LES _____  |                   | Training _____                     |

[Redacted]

2. That DCU, DCRS, RMD, submit responses to the questions raised by Professor Theoharis, insofar as they relate to the responsibilities of that Unit, in a form suitable for dissemination to ISOO through SPU.

|                    |                   |                                    |
|--------------------|-------------------|------------------------------------|
| APPROVED:          | Adm. Servs. _____ | Laboratory _____                   |
|                    | Crim. Inv. _____  | Legal Coun. _____                  |
| Director _____     |                   | Off. of Cong. & Public Affs. _____ |
| Exec AD-Adm. _____ |                   | Rec. Mgnt. _____                   |
| Exec AD-Inv. _____ |                   | Tech. Servs. _____                 |
| Exec AD-LES _____  |                   | Training _____                     |

[Redacted]

Enclosures (3)

1 - [Redacted]  
 1 - [Redacted]  
 1 - [Redacted]  
 1 - [Redacted]

[Redacted] (9)

See Addendum page 3

DE-101

1 - [Redacted]  
 1 - [Redacted]  
 1 - [Redacted]  
 1 - [Redacted]  
 1 - [Redacted]

NOV 21 1983 b6 b7C

(CONTINUED-OVER)

SECURITY PROGRAMS UNIT

Memorandum from [redacted]  
Re: Information Security Oversight Office (ISOO)  
Regarding Freedom of Information Act (FOIA)  
Requested by Professor Athan Theoharis

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b7C

3. That the responses from DC-I, FOI-PAS and DCU, DCRS be coordinated by SPU, OS, for final reply to the ISOO.

|             |                   |                                    |
|-------------|-------------------|------------------------------------|
| APPROVED: / | Adm. Servs. _____ | Laboratory _____                   |
|             | Com. Inv. _____   | Legal Coun. _____                  |
|             |                   | Off. of Cong. & Public Affs. _____ |
|             | Ident. _____      | Tech. Mgmt. _____                  |
|             | Inspection _____  | Tech. Servs. _____                 |
|             | Intell. _____     | Training _____                     |

DETAILS: The FBI received enclosed letter from ISOO, dated 9/15/83, which requested information concerning complaints directed by letter of 9/1/83, also enclosed, from Dr. Athan Theoharis, Marquette University, who advised that he chairs the Organization of American Historians Committee on Access to Documents and Open Information. Specifically, Dr. Theoharis asserts (page two of his letter) that the FBI was inconsistent in withholding information in connection with an FOIA request based upon national security considerations between 1980 and 1982.

A copy of both letters has already been provided to DU-I Unit Chief [redacted] and DCU Unit Chief [redacted] to facilitate a timely response. Both Units are requested to respond to the questions raised by Professor Athan Theoharis in a form suitable for dissemination by SPU to ISOO.

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b7C

Memorandum from [redacted]  
Re: INFORMATION SECURITY OVERSIGHT OFFICE (ISOO)  
REGARDING FREEDOM OF INFORMATION ACT (FOIA)  
REQUESTED BY PROFESSOR ATHAN THEOHARIS

b6  
b7C

ADDENDUM: RECORDS MANAGEMENT DIVISION, 10/12/83, [redacted]  
[redacted]

The inconsistency in processing of the Theoharis request concerning the name Martha Kearney was an oversight. This mistake was rectified and Kearney's name was released when Mr. Theoharis exercised his right of administrative appeal to the Department of Justice. However, where the name had been deleted, there was no issue of national security, but rather a question of privacy consideration for Kearney.

The statement in Theoharis' letter relating to deletion of references to the Bureau's Manual of Rules and Regulations is likewise not an issue of national security. Those deletions were made pursuant to exemption (b)(2) of the FOIA. Mr. Theoharis has filed an administrative appeal concerning that decision with the Department of Justice which has not yet been resolved.

We have been unable to identify any release to Mr. Theoharis wherein references to electronic surveillance policy have been redacted. In order to respond accurately to allegations concerning elsur policy deletions, Mr. Theoharis will have to provide more specific information to identify the request and the specific documents in question.

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| Director _____      |                   | Off. of Cong. & Public Aff. _____ |
| Exec. AD-Adm. _____ |                   | Rec. Mgmt. _____                  |
| Exec. AD-Inv. _____ | Inspection _____  | Tech. Servs. _____                |
| Exec. AD-LES _____  | Intell. _____     | Training _____                    |

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Memorandum from [REDACTED]

Re: INFORMATION SECURITY OVERSIGHT OFFICE (ISOO)  
REGARDING FREEDOM OF INFORMATION ACT (FOIA)  
REQUESTED BY PROFESSOR ATHAN THEOHARIS

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ADDENDUM: RECORDS MANAGEMENT DIVISION, 10/25/83, [REDACTED]

Professor Theoharis noted in his letter that a lengthy period of time transpired between his request and the release of information from the Official and Confidential File of former FBI Assistant Director Louis Nichols. It is unfortunate that a more expeditious handling of the request could not have been afforded, but the request was processed at a time when the Document Classification Unit was burdened with a significant backlog. As the Professor acknowledged, this was a lengthy file and it must be taken into consideration that the FBI receives many requests, some concurrently, and the reviews must be distributed as equitably as possible.

With respect to the wiretapping relating to Harry Bridges, the legal brief should not have had the entry "Wiretapping" nor the page number "28" deleted in the Table of Contents, particularly when the entire page 28 was released unclassified and there was no evident harm to the national security. It is a regrettable inconsistency and an obvious oversight on the part of the reviewing official.

It is not the policy of the FBI to allow classifying authorities to make arbitrary or capricious classification decisions. This is not to say that these qualities may not appear to be present in our work, but not maliciously so. The classifying authorities doing this work endeavor to reach classification decisions through research and careful analysis and the reasons for their decisions may not always be readily apparent to the requestor.



September 15, 1893

[Redacted]

Security Programs Manager  
Federal Bureau of Investigation  
10th and Pennsylvania Avenue, NW  
Washington, DC 20535

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Dear [Redacted]

The Director of the Information Security Oversight Office (ISOO) has the responsibility under Executive Order 12356 to "consider and take action on complaints and suggestions from persons within or outside the Government" on any aspect of the information security program. Dr. Athan Theoharis, a professor at Marquette University, has provided me comments on the ISOO Annual Report for FY 1982. (A copy of his letter is enclosed.) A portion of those comments refers to a Freedom of Information Act (FOIA) request made by him to your agency in September 1980. Professor Theoharis contends that FBI action on his request was inconsistent, since in 1982, the FBI withheld information based upon national security considerations while in 1980, the FBI released that same information.

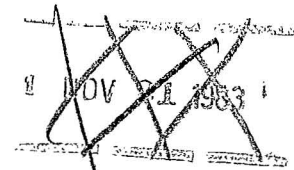
As you know, in issuing E.O. 12356, the President stated that its purposes did not include any effort to increase the amount or types of information that could be classified. Therefore, I would very much appreciate it if you could look into Professor Theoharis' allegations and report back to me with your findings. I also enclose a copy of my response to Professor Theoharis.

If you have any questions, please call me on 535-7251.

Sincerely,

STEVEN GARFINKEL  
Director

Enclosures



62-117303-92

Letter to 1500  
11-10-83

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# MU Marquette University

Charles L. Coughlin Hall  
Milwaukee, WI 53233  
(414) 224-7217, 224-7385

September 1, 1983

Mr. Steven Garfinkel, Director  
Information Security Oversight Office  
General Services Administration  
Washington, D.C. 20405

Dear Mr. Garfinkel:

I am a professor of history at Marquette University and the chair of the Organization of American Historians' Committee on Access to Documents and Open Information. Recently, [redacted] Executive Secretary of the Organization of American Historians, forwarded to me, and to the other members of the Access Committee, copies of your letter of July 22, 1983 and of your Office's Annual Report to the President for FY 1982. She invited Committee members to forward our comments directly to you.

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Our Committee is presently initiating a study of the varied research problems confronting historians (particularly those interested in aspects of national security policy, both foreign and defense policy and internal security policy). Because at a preliminary stage, we cannot at present share our findings with you. We do hope to have a completed report by the spring of 1984 and, one reason for my writing to you today, was to establish channels and the opportunity to share our findings and concerns. A second, and more immediate, reason was to respond to your invitation for comments on the 1982 Report.

(late 1970s)

Our Committee was only recently established by the OAH, and the recency of that decision underscores our profession's concerns about the onerous restrictions historians confront in their research deriving from often capricious "national security" claims. Indeed, our experiences suggest that the operative assumption of your report--that intelligence agency personnel are committed to a policy of maximum <sup>feasible</sup> openness--is questionable. We have found "national security" restrictions, even for historically dated documents, excessive, at times arbitrary and at times capricious. And, on reading your report, I find myself coming to a radically different and more pessimistic conclusion. Unwilling to be sweepingly characterized as a "traditional" critic who reacted "as could be predicted, negatively" let me support this characterization. In this letter, let me cite my personal experiences in obtaining FBI documents under the Freedom of Information Act. I hope to sustain a dialogue and, in the future, provide less specific comments and more generalized examples. I shall keep this letter brief, and thus will cite only a few examples. I assume that other respondents from our Committee will cite foreign and defense policy decisions, or those involving the CIA; for that reason I shall comment only on FBI documents.

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Mr. Steven Garfinkel

September 1, 1983--Page 2 .

Until the passage of the 1974 amendments to the Freedom of Information Act, all FBI documents were classified--even those dating from the early years of the FBI (whether 1908 or the World War I period) or involving investigations which had no internal security, counterintelligence bearing. FBI files for the 1908-1922 period were first turned over to the National Archives in 1977 and documents for the subsequent period are presently subject to a court order relating to a suit brought to enjoin the National Archives from implementing records plans to destroy all FBI field office files and provide for the destruction of specified FBI headquarters files. I emphasize this to explain the importance of the Freedom of Information Act for those historians interested in researching FBI documents of the World War II and Cold War periods. Under the FOIA, as you know, portions or the totality of documents can be legitimately withheld if "national security" classified or meeting other exemptive provisions of the Act. Thus, requests for documents under the Act does provide insights into the nature of intelligence officials definition of "national security" and responsible commitment to openness.

One of the FBI files I had requested under the FOIA was the Official and Confidential File maintained by former FBI Assistant Director Louis Nichols. The FBI began processing this request in early 1980, and between April and September 1980 I received portions of this lengthy file. With the September 1980 release, the FBI advised me that the remaining one-half of the Nichols File was under review by the Classification Review desk and would be released to me within "several months." Several months became years and the remaining documents were released in December 1982. A comparison of the documents released in 1982 with those released in 1980 and as well an assessment of the nature of the FBI's 1982 exemptive claims raises serious questions about your Report's benign interpretation of E.O. 12356 and the priorities governing the intelligence community's "national security" policy. Thus, whereas the name of INS reporter Martha Kearney was not deleted in 1980, it was deleted in 1982--despite the fact that in 1980-release the FBI documents record Kearney's briefing the FBI on the attitudes of New York Times reporter Anthony Leviero and the 1982-release the FBI documents record Kearney's briefing the FBI on the attitudes of Assistant Attorney General James McInerney. In 1982, moreover, the FBI claimed "national security" when deleting the phrase "wiretapping" in the table of contents of a brief filed in 1942 in federal court (and thus a public document in 1942). Furthermore, the FBI deleted all references, and these were extensive, in memorandums of 1942 referring to the Bureau's 1942 electronic surveillance of labor leader Harry Bridges--despite the fact that the FBI was caught bugging Bridges in 1942 and this electronic surveillance was common knowledge at the time and subject to discussion in books by contemporaries such as the then Attorney General Francis Biddle. In a recent release to me, the FBI deleted all references to electronic surveillance policy and to the Bureau's Manual of Rules and Regulation, even though this pertained in the ~~case~~ <sup>Wright</sup> case, to the 1930s and, in the case of rules, to rules which no longer govern FBI operations and are 53-55 years old (the 1928-1930 period).

I have cited these examples to support my skepticism about the general positive thrust of your 1982 Report. On the one hand, it is not surprising that there is decreased agency activity in the program for systematically reviewing information for declassification since the Administration has decreased the National Archives' budget at a time, with the court order by Judge Greene in the FBI papers case, when an increase would be required. I do not find it



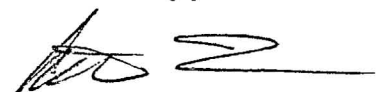
Mr. Steven Garfinkel  
September 1, 1983--Page 3

surprising that there was a decrease in the number of agency self inspections because of the expectation that E.O. 12065 was known to be subject to revision--not only was that my experience in the lengthy delay in the release of the Nichols file but it supports the conclusion that intelligence agency officials were, and I think still are, opposed to the principles of the public's right to know and accountability. Nor do I think that the problem of E.O. 12065 was its negative tone or that it was unduly stringent and inflexible--the standard was the need to justify withholding and the naivete of the assumption that agency officials would confine classification to sensitive national security documents as opposed to documents, whose release might be embarrassing. Nor do I find it convincing that large quantities of older records were never previously marked as national security information and should be--I guess it depends on your definition of national security and I would venture the opinion that these documents were not so classified earlier because they were not classifiable. The case in point is the reclassification of the materials at the Marshall Library following publication of James Bamford's book.

In this letter, I have been frank; it was not my intention to appear hostile but merely skeptical. I had found the Administration's information policy unduly restrictive and have concluded that the intent is not to safeguard legitimate national security information but to control independent research.

Let me close by inviting you to continue providing information, and the rationale for your Office's and the Administration's decisions, to the organized historical community. We have an interest in these questions and I would willingly share your comments and reports with members of our Committee. We do <sup>(our Committee)</sup> not speak for the profession, but only report to our fellow historians. Because of the interest of historians in this issue, we are interested in a comprehensive understanding of information policy and procedures.

Sincerely,



Athan Theoharis, Chair  
Committee on Access

cc:

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September 15, 1983

Dr. Athan Theoharis  
Chairman  
Committee on Access  
Organization of American Historians  
c/o Marquette University  
Department of History  
Charles L. Coughlin Hall  
Milwaukee, WI 53233

Dear Professor Theoharis:

Thank you for letter of September 1, 1983. I believe that fostering a dialogue on issues of mutual concern with organizations such as the Organization of American Historians benefits me very much in fulfilling my responsibilities.

I am concerned about the apparent discrepancies you experienced with the Federal Bureau of Investigation (FBI) in obtaining documents under the provisions of the Freedom of Information Act (FOIA). Therefore, I am referring a copy of your letter to the FBI, and requesting its explanation. I enclose a copy of my letter.

Again, I appreciate your comments and concerns regarding the executive branch information security system. If you have any questions or additional comments concerning E.O. 12356, please feel free to contact me.

Sincerely,

STEVEN GARFINKEL  
Director

Enclosure

11/15/83 4/2  
RECEIVED

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1500813-000

Total Deleted Page(s) = 6

Page 3 ~ b6; b7C; b7D;

Page 4 ~ b6; b7C; b7D;

Page 5 ~ b6; b7C; b7D;

Page 7 ~ Duplicate;

Page 8 ~ Duplicate;

Page 9 ~ Duplicate;

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# Memorandum



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 Asst. Dir.:  
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   Legal Coun. \_\_\_\_\_ b7C  
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   Training \_\_\_\_\_  
   Telephone Rm. \_\_\_\_\_  
   Director's Sec'y \_\_\_\_\_

To : Mr. Glover

Date 6/13/84

From

Subject : **\*FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF PROFESSOR ATHAN THEOHARIS FOR THE SYMBOL NUMBER SENSITIVE SOURCE INDEX (SNSI)**

**PURPOSE:** To advise of a previously undisclosed, surreptitious entry identified during the review of the SNSI.

**RECOMMENDATION:** That the attached material be reviewed by the Office of Professional Responsibility for any appropriate action.

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|                     | Crim. Inv. _____  | Legal Coun. _____                  |
| Director _____      |                   | Off. of Cong. & Public Affs. _____ |
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| Exec. AD-Inv. _____ | Inspection _____  | Tech. Servs. _____                 |
| Exec. AD-LES _____  | Intell. _____     | Training _____                     |

**DETAILS:** Athan Theoharis, a history professor at Marquette University, requested under the FOIA access to the SNSI. The SNSI is currently known as the National Security Electronic Surveillance Card Index (NSESCI) and is comprised of 3x5 index cards identifying various forms of source coverage, active and inactive, of individuals and organizations. Mr. Theoharis requested, among other things, copies of index cards which indicate surreptitious entries by the Federal Bureau of Investigation.

Enclosures (2) **ENCLOSURE**

1 - Mr. Glover

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12 JUN 28 1984

FBI/DOJ

Memorandum from [redacted] Mr. Glover  
Re: Freedom of Information Act (FOIA) Request of  
Professor Athan Theoharis for the  
Symbol Number Sensitive Source Index (SNSI)

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[Redacted] Counsel  
Office of Professional Responsibility/DOJ

June 20, 1984

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John D. Glover, Assistant Director  
Inspection Division

**\*FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF  
PROFESSOR ATHAN THEOHARIS FOR THE SYMBOL  
NUMBER SENSITIVE SOURCE INDEX (SNSI)**

Recently, Athan Theoharis, a history professor at Marquette University, requested under the FOIA, access to the SNSI. The SNSI is currently known as the National Security Electronic Surveillance Card Index (NSESIC) and is comprised of 3 x 5 index cards identifying various forms of source coverage, active and inactive, of individuals and organizations. Mr. Theoharis requested, among other things, copies of the index cards which indicate surreptitious entries by the FBI.

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Enclosure **2-5 CLOSURE**

1 - [Redacted]  
1 - [Redacted]  
1 - [Redacted]  
1 - [Redacted]

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APPROVED:

Director

Assoc. Dir.

Exec. Dir.

Adm. Serv. \_\_\_\_  
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Telephone Rm. \_\_\_\_  
Director's Sec'y \_\_\_\_

12 JUN 28 1984

hand carried  
6/21/84

62-118441

October 14, 1987

OUTSIDE SOURCE

Dr. Athan Theoharis  
Department of History  
Charles L. Coughlin Hall  
Marquette University  
Milwaukee, Wisconsin 53233

Dear Dr. Theoharis:

Your letter addressed to [redacted] Historian, has been referred to my office.

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Upon your request, I am forwarding a copy of the complete text of President Reagan's Executive Order 12333 of December 4, 1981, published in the "Federal Register," Sunday, December 8, 1981.

Guidelines regarding FBI foreign intelligence and foreign counterintelligence may be made available to you only, as a result of a Freedom of Information/Privacy Acts (FOIPA) request. I understand that you are familiar with the procedures for filing an FOIPA request.

You may wish to contact the following Committees to assist you:

Senate Select Committee on Intelligence  
Room SH-211  
Hart Senate Office Building  
Washington, D.C. 20510  
telephone number (202) 224-1700

Permanent Select Committee on Intelligence  
H-405  
The Capitol  
Washington, D.C. 20515  
telephone number (202) 225-4121.

DE-108 94-5-92840

12-9

MAILED 22  
OCT 15 1987  
FBI

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Exec AD Adm. 1 - [redacted]  
Exec AD Inv. 1 - [redacted]  
Exec AD LES 1 - [redacted]  
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Adm. Servs. [redacted]  
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Rec. Mgnt. [redacted]  
Tech. Servs. [redacted]  
Training [redacted]  
Telephone Rm. [redacted]  
Director's Sec'y [redacted]

MAIL ROOM ☒

SEE NOTE PAGE TWO

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FBI/DOJ



Dr. Athan Theoharis

In the past, these Committees have made available FBI testimony in the areas of foreign intelligence and foreign counterintelligence.

I hope that this information will be of some assistance to you for your article.

Sincerely yours,

(5)

Milt Ahlerich  
Acting Assistant Director  
Office of Congressional  
and Public Affairs

Enclosure

NOTE: Bufiles reveal that Dr. Theoharis has been a guest lecturer at FBI headquarters in an FOIPA lecture series and is a frequent correspondent. Bufile 161-11419 regards an FBI investigation of Dr. Theoharis concerning his article, "The FBI's Stretching of Presidential Directives, 1936-1953." Reply has been coordinated with SA [redacted]

[redacted]

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