

January 6, 1995

VIA FAX: 324-4522

TO: Nancy Healey -- FBI

FROM: Sheryl Walter, General Counsel

RE: Newly processed FBI Documents re Marita Lorenz

*Per our conversation this afternoon, accompanying this memo is the package of FBI-originated documents on Marita Lorenz that was delivered to our office last week by an attorney from the Executive Office of U.S. Attorneys. They were processed under the JFK Act as a referral from FBI to EOUSA (despite the cover memo that suggests that they were produced under the FOIA). According to Terry O'Connor, the usual practice with referred documents for which full release is recommended, as is the case with these, is that they are sent to the National Archives for public release.*

*As we discussed, these documents are directly responsive to the FOIA request that is the subject of the pending appeal in Assassination Archives and Research Center v. Department of Justice (D.C. Cir. No. 95-54310).*

*(This request, different from the requests involved in the now-settled Allen litigation, sought only documents related to "Marita Lorenz".) However, as far as I can tell they were not part of the records originally identified as responsive to this request. Although no search issue was raised on appeal, it seems good policy to release them to the requester now since we have become aware of their existence rather than wait until they are deposited at NARA.*

*Please give me a call next week to let me know your agency's position. I will also let Bob Loeb and Peter Maier at DOJ know that these documents have surfaced and find out their thoughts on this matter. Thanks for your assistance on this; I look forward to talking with you soon.*