

Exhibit 5

FOIA Requests file by Bethany McLean with NARA and Criminal
Division for Stonehill documents

Exhibit 5(a)

October 10, 2014 letter from B. McLean to M. Murphy
(NARA) and K. Courter (Criminal Division)

October 10, 2014

VIA FIRST CLASS MAIL

Martha Wagner Murphy
Chief, Special Access and FOIA Staff
National Archives and Record Administration
8601 Adelphi Road
College Park, MD 20740-6001

Kenneth Courter
Acting Chief, FOIA/PA Unit
Criminal Division
Department of Justice
Suite 1127
Keeney Building N.W.
Washington, D.C. 20530-0001
(Fax) 301-514-6117

RE: Freedom of Information Act - CRM-300456249

Dear Ms. Murphy and Mr. Courter:

On July 22, 2014, Martha Wagner Murphy, the Chief of the NARA Special Access and FOIA Staff, responded to my July 10, 2014 FOIA request which requested access to all documents transferred to the National Archives (or the Washington Records Center) from the Department of Justice Criminal Division concerning Harry S. Stonehill. Ms. Murphy informed me:

The National Archives does not have legal custody of records stored at the Washington National Records Center. Legal Custody still belongs to the originating agency—the Department of Justice. To request access to these records, you will need to file a FOIA request with the Department of Justice. (See attached letter dated July 22, 2014 from M. Murphy)

On August 29, 2014, the Department of Justice Criminal Division responded to my July 10, 2014 Freedom of Information Act Request for records concerning Harry S. Stonehill between 1958-1976. Mr. Courter, Acting Chief, FOIA/PA Unit, stated that he has “determined that, should the records...exist, they would be maintained by the National Archives and Records Administration.” He suggested that I should submit a FOIA request to the NARA Special Access and FOIA Staff (NWCTF). (See attached letter dated August 29, 2014 from K. Courter)

Although Ms. Murphy states that she does not believe NARA has legal custody of Criminal Division records concerning Harry Stonehill, Mr. Courter’s August 29, 2014 response, suggesting that I file a FOIA request with NARA, appears to authorize the NARA to permit

access to those records. I would appreciate a clarification from NARA and the Criminal Division, as to whether, pursuant to Mr. Courter's August 29, 2014 response, I will be allowed access to Criminal Division records stored at the National Archives (or Washington National Records center) concerning Harry S. Stonehill.

Thank you very much for your attention to this matter.

Sincerely,

Bethany McLean
1713 North Wood Street
Chicago, Illinois 60622
773-384-1942

CC: Cynthia Summerfeet

NATIONAL ARCHIVES and RECORDS ADMINISTRATION
8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001
www.archives.gov



July 22, 2014

Bethany McLean
1713 North Wood Street
Chicago, IL 60622

Dear Ms. McLean:

This is in response to your Freedom of Information Act (FOIA) request of July 10, 2014, which was received in this office on July 22, 2014. Your request has been assigned case numbers **RD 43823, RD 43824, and RD 43825**. You requested access to records of eight agencies relating to Harry S. Stonehill, Menhart Spielman, Damaso A. Nocon, Jose G. Lukban, William W. Saunders, and John Joseph (Joe) McGee, from January 1, 1955, through January 1, 1975. The cited agencies are the Internal Revenue Service, Federal Bureau of Investigation, Department of Justice (Civil Tax Division and Criminal Division), Executive Office of United States Attorneys, Department of State, Department of Agriculture, Central Intelligence Agency, and Department of Defense.

To facilitate processing, we have divided your request into three separate FOIA cases and assigned case numbers **RD 43823, RD 43824, and RD 43825**, respectively. We have forwarded these cases to our reference staff. They will respond to you directly.

You requested access to all documents transferred to the National Archives (or the Washington National Records Center) from the Department of Justice Criminal Division. The National Archives does not have legal custody of records stored at the Washington National Records Center. Legal custody still belongs to the originating agency – the Department of Justice. To request access to these records, you will need to file a FOIA request with the Department of Justice.

You also requested a waiver of fees normally charged to provide researchers with copies of archival records. Archival records, however, are exempted from the fee and fee waiver provisions of the Freedom of Information Act. The section on fees states that “Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records” (5 U.S.C. 552 (a)(4)(vi)). The fee statute, which applies to archival records, does not authorize the National Archives to waive reproduction charges for individual requesters (44 U.S.C. 2116(c)).

The inability to grant the requested fee waiver does not constitute a denial under the terms of the Freedom of Information Act. However, if you consider this response to be a denial of your request, you may appeal this decision within 35 calendar days of receipt of this letter. Appeals must be in writing and addressed to the Deputy Archivist of the United States, National Archives and Records Administration, 8601 Adelphi Road, Room 4200, College Park, MD 20740-6001.

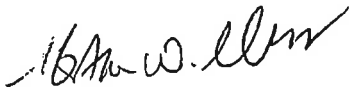
Did you understand our response to your inquiry? If not, please tell us why so we can improve our responses.

In your letter, please cite case numbers **RD 43823**, **RD 43824**, and **RD 43825** and clearly label both the letter and envelope as a FOIA appeal.

Once we have completed the processing of your requests, you may view any open records at no charge in our research room at the National Archives in College Park, Maryland. You may use your own digital camera or personal scanner to make free digital images or you may make photocopies at a cost of \$.25 per page. You may also order paper or digital reproductions of documents by mail at a cost of \$.80 per page.

Please notify this office of any change of address that may occur during the time required to complete the processing of your requests. To inform our staff regarding a change in your contact information or to track the status of your cases, please call our customer service number at 301-837-3190 or send an email to specialaccess_foia@nara.gov. If you have additional questions regarding the processing of your requests, you may contact Mary Kay Schmidt by email at marykay.schmidt@nara.gov. Please cite your case numbers in any further communications concerning these requests.

Sincerely,



MARTHA WAGNER MURPHY
Chief
Special Access and FOIA Staff

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001

www.archives.gov



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

August 29, 2014

Ms. Bethany McLean
1713 North Wood Street
Chicago, IL 60622

Re: CRM-300456249
KWC:CPS

Dear Ms. McLean:

The Criminal Division of the U.S. Department of Justice acknowledges receipt of your Freedom of Information Act request dated July 10, 2014, in which you asked for access to certain records concerning Mr. Harry S. Stonehill between 1958-1976. Your request has been assigned file number CRM-300456249. You should refer to this number in any future correspondence with this Office.

After carefully reviewing your request, I have determined that, should the records you are seeking still exist, they would be maintained by the National Archives and Records Administration. If you have not done so already, you may wish to submit a request to that agency at the follow address.

The National Archives and Records Administration
Special Access and FOIA Staff (NWCTF)
8601 Adelphi Road, Room 5500
College Park, MD 20740-6001
www.archives.gov

If you construe this response to be a denial of your request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth Courter".

Kenneth Courter
Acting Chief
FOIA/PA Unit

Exhibit 5(b)

January 23, 2017 letter from B. McLean to M. Murphy (NARA)

January 23, 2017

VIA FIRST CLASS MAIL

Martha Wagner Murphy
Cynthia Summerfeet
Chief, Special Access and FOIA Staff
National Archives and Record Administration
8601 Adelphi Road
College Park, MD 20740-6001

**RE: Freedom of Information Act - CRM-300456250 (RD43823, RD 43824,
and RD 43825)**

Dear Ms. Murphy:

On July 22, 2014, you responded to my July 10, 2014 FOIA request which requested access to all documents transferred to the National Archives (or the Washington Records Center) from the Department of Justice Criminal Division concerning Harry S. Stonehill:

The National Archives does not have legal custody of records stored at the Washington National Records Center. Legal Custody still belongs to the originating agency—the Department of Justice. To request access to these records, you will need to file a FOIA request with the Department of Justice.

On August 29, 2014, the Department of Justice Criminal Division responded to my July 10, 2014 Freedom of Information Act Request for records concerning Harry S. Stonehill between 1958-1976. Mr. Courter, Acting Chief, FOIA/PA Unit, stated that he has “determined that, should the records...exist, they would be maintained by the National Archives and Records Administration.”

On October 21, 2014, you responded to my request for clarification:

I interpret the response you received from the Department of Justice to mean that they found no responsive documents relating to your request in their custody, either at their office at the Records Center. I believe that DOJ was attempting to inform you that if any records relating to your topic still exist, they would have been scheduled as permanent and transferred to NARA.

I have recently learned that Criminal Division records relative to the Harry S. Stonehill case were previously stored at the Washington National Records Center (WNRC), which is part of the National Archives and Records Administration (NARA). Two file jackets were filed under the name of Robert P. Brooks (Mr. Stonehill's co-defendant) DJ# 46-16-704, Accession # 60-90-467. It is likely these files were transferred to NARA as permanent records and that they were not located by NARA because the Stonehill documents from the Criminal Division were filed

under the name of Robert P. Brooks. These files are responsive to my FOIA requests filed with Criminal Division and NARA and I would appreciate it if they could be made available for inspection. I very much appreciate your previous help on this and your ongoing attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bethany McLean".

Bethany McLean
1713 North Wood Street
Chicago, Illinois 60622
773-384-1942

cc: Cynthia Summerfeet

Exhibit 5(c)

March 23,2017 FOIA Request from B. McLean to K. Courter

March 23, 2017

VIA FIRST CLASS MAIL

Kenneth Courter
Acting Chief, FOIA/PA Unit
Criminal Division
Department of Justice
Keeney Building, N.W., Suite 1127
Washington, D.C. 20530-0001

RE: Freedom of Information Act Request

Dear Mr. Courter:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act, (5 U.S.C. §522a, I request the following records concerning Harry S. Stonehill from the time period January 1, 1955 thru January 1, 1980:

All documents transferred to the Washington National Records Center from the Department of Justice (DOJ) Criminal Division, including but not limited to two file jackets filed under the name of Robert P. Brooks (Mr. Stonehill's co-defendant) DJ# 46-16-704, Accession # 60-90-467.

On July 22, 2014, Martha Wagner Murphy, NARA Chief, Special Access and FOIA Staff, responded to my July 10, 2014 FOIA request which requested access to all documents transferred to the National Archives (or the Washington Records Center) from the Department of Justice Criminal Division concerning Harry S. Stonehill:

The National Archives does not have legal custody of records stored at the Washington National Records Center. Legal Custody still belongs to the originating agency—the Department of Justice. To request access to these records, you will need to file a FOIA request with the Department of Justice.

On August 29, 2014, the Department of Justice Criminal Division responded to my July 10, 2014 Freedom of Information Act Request for records concerning Harry S. Stonehill between 1958-1976. You stated that you had “determined that, should the records...exist, they would be maintained by the National Archives and Records Administration.”

Kenneth Courter
March 23, 2017
Page 2

I have recently learned that Criminal Division records relative to the Harry S. Stonehill case were previously stored at the Washington National Records Center (WNRC), which is part of the National Archives and Records Administration (NARA). Two file jackets were filed under the name of Robert P. Brooks (Mr. Stonehill's co-defendant) DJ# 46-16-704, Accession # 60-90-467. These files are responsive to my previous FOIA requests filed with Criminal Division and NARA and they are responsive to this FOIA request.

On February 22, 2017, Cate Brennan at NARA advised me that they have been unable to locate DOJ case 46-16-740 but they were able to verify "with the available indexes that Stonehill and Brooks share the same case number." NARA determined that:

60-90-467 was a transfer number used by DOJ when they sent records to the Washington National Record Center in Suitland. Although the building is operated by NARA, the records housed at Suitland remain in the custody of their originating agency. You will need to contact DOJ and ask them to search the transfer for that case file. The records are classified, so you will likely need a FOIA.

If it is your position that records exist that are responsive to this request, but those records (or portions of those records) are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the nonexempt portions of the records.

I am a representative of the news media and this request is made as part of news gathering. I request that all fees in connection with this FOIA request be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii), because it does not seek the records for a commercial purpose and disclosure "is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government."

Accordingly, I request that you waive all fees for locating and duplicating the records. If, however, a waiver is not granted, then please advise me of the amount of any proposed search, review, and reproduction charges before those activities are carried out.

Kenneth Courter
March 23, 2017
Page 3

I am attaching Privacy Release Act Form signed by Pauline Stonehill, the Administrator of the Estate of Harry S. Stonehill; Mr. Stonehill died on March 20, 2002. I will expect a response within 20 working days as provided by law. If you have any questions regarding this request, please contact me at the address below.

Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bethany McLean".

Bethany McLean
1713 North Wood Street
Chicago, Illinois 60622
773-384-1942

Exhibit 5(d)

September 26, 2017 letter from A. Jones to B. McLean



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

VIA U.S. Mail

September 26, 2017

Ms. Bethany McLean
1713 North Wood Street
Chicago, IL 60622

Request No.: CRM-300591953

Dear Ms. McLean:

This letter is in response to your Freedom of Information Act request dated March 23, 2017, and received in this Office on March 31, 2017, in which you requested records concerning Harry S. Stonehill.

Please be advised that a search has been conducted in the appropriate section and we found references to records potentially responsive to your request. We have attempted to obtain this material so it could be reviewed to determine whether it was responsive to your request. However, after a thorough search, some of the records could not be located. The remaining records that might have been responsive to your request were destroyed pursuant to the Criminal Division's record retention and disposition schedules, which have been approved by the National Archives and Records Administration. Therefore, we are closing your request administratively.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison at the (202) 616-0307 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 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."

Sincerely,

A handwritten signature in cursive script, appearing to read "Christina Burtel" with a small flourish at the end.

Amanda Marchand Jones
Chief
FOIA/PA Unit