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FREEDOM OF INFORMATION ACT REQUEST

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Re: Freedom of Information Act Request

Dear Information and Privacy Coordinator:

On behalf of my clients Assassination Archives and Research Center, Inc. and attorney James H. Lesar, I make the following request of the CIA under the Freedom of Information Act, 5 USC Sec. 552:

1. Search for and release all records or information in any format related to David Harold Byrd (deceased) of Dallas, Texas. Mr. Byrd died on September 14, 1986 (see attached obituary from the Dallas Times-Herald). Mr. Byrd owned the Texas School Book Depository Building at the time of the assassination of President Kennedy in 1963, and reportedly removed the “sniper’s window” from the building after the assassination and displayed it in his mansion. Mr. Byrd was an owner and financier of government contracting companies including Texas Engineering Manufacturing Company (TEMCO), E-Systems, and Ling-TEMCO-Vaught (LTV). E-Systems was well known as a CIA contractor, so much so that in 1975 CIA solicited E-Systems to purchase its proprietary airline, Air America. David Harold Byrd was also active in the oil business and varied other business enterprises. David Harold Byrd co-founded the Civil Air Patrol (CAP) in 1941 and served in command capacities in CAP until the early 1960’s. Civil Air Patrol is the official auxiliary of the US Air Force. In the 1950’s Mr. Byrd served with Cord Meyer, Sr. on the national executive board of CAP (Cord Meyer, Jr. was a ranking CIA executive).
2. Search for and release all records and information in any format related to Werner von Alvensleben, Jr. (died 1998), of Mozambique (formerly Portuguese East Africa). Mr. Alvensleben owned and operated the big game hunting company named Safarilandia in Portuguese East Africa, later Mozambique. According to released Office of Strategic Services (OSS) records, Mr. Alvensleben served as a valued double agent for OSS during World War II in Portuguese East Africa. OSS records state that Mr. Alvensleben was a member of the Bavarian Military Police in 1933, headed by Heinrich Himmler (the

Bavarian Military Police became the Nazi SS, according to OSS records). In 1933 Mr. Alvensleben was sent to Austria to participate in the assassination of an Austrian official. Mr. Alvensleben was arrested by the Austrians and imprisoned for this activity. According to reports in the Dallas Morning News, Mr. Alvensleben was in Dallas, Texas as a guest of David Harold Byrd in late 1963. Further, David Harold Byrd was reported to be present at Mr. Alvensleben's Safarilandia on November 22, 1963, the day of President Kennedy's murder. Due to Mr. Alvensleben's service as a valued double agent for OSS in World War II, it is likely that Mr. Alvensleben served as an asset of the CIA after the war, or had contact with the CIA.

3. Search for and release all records and information in any format related to the Doolittle Report of 1954 and its appendices A-D. The Doolittle Report was the result of a commission established by President Eisenhower to study the activities of the CIA and headed by General James Doolittle. The Doolittle Report called for more aggressive CIA covert activities that had previously been believed to be repugnant and contrary to American values. Requesters seek full release of the requested materials. As shown in the attached obituary of David Harold Byrd, General Doolittle and Mr. Byrd were substantial friends who shared an interest in aviation from the early years. Mr. Byrd and General Doolittle were Safari hunting partners on several occasions.

If it is your position that any portion of the requested records is exempt from disclosure, Requesters request that you provide them with an index of those documents as required under Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). As you are aware, a Vaughn index must describe each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." Founding Church of Scientology v. Bell, 603 F.2d 945, 949 (D.C. Cir. 1979). Moreover, the Vaughn index must "describe each document or portion thereof withheld, and for **each** withholding it must discuss the consequences of supplying the sought-after information." King v. U.S. Dep't of Justice, 830 F.2d 210, 223-24 (D.C. Cir. 1987) (emphasis added). Further, "the withholding agency must supply 'a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.'" Id. at 224 (citing Mead Data Central v. U.S. Dep't of the Air Force, 566 F.2d 242, 251 (D.C. Cir. 1977)).

In the event that you contend some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a Vaughn index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Public Interest Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) requesters request a waiver of fees associated with processing this request for records based on the fact that a waiver is in the public interest. The subject of this request concerns the operations of the federal government and its expenditures, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. The DC Circuit Court of Appeals has recognized that Congress amended FOIA to ensure that public interest fee waivers be “liberally construed in favor of waivers for noncommercial requesters”. Judicial Watch, Inc. v. Rossotti, 326 F.3d 1309,1312 (D.C.Cir. 2003). Assassination Archives and Research Center and Mr. Lesar are noncommercial requesters and thus falls in the category of authors, researchers and public interest groups favored for a fee waiver. Campbell v. U.S. Dept. of Justice, 164 F.3d 20,35 (D.C.Cir. 1998).

The Assassination Archives and Research Center (“AARC”) was founded in 1984 as a non-profit organization to house records related to political assassinations and to encourage research in the field. Mr. Lesar was a cofounder in 1984 and has served as President of the Center since 1991. AARC maintains a website which includes a public library of released government documents for use of the public. AARC maintains the largest collection of materials on the assassination of President Kennedy in private hands.

Sincerely,

/s/ Daniel S. Alcorn

Daniel S. Alcorn
Counsel for Requesters

Enclosure-

Obituary of David Harold Byrd, Dallas Times-Herald

las area were selected by a marketing firm.

"I only glanced in the direction of the jury and didn't recognize anyone. I would guess that they were probably not around at the time of the assassination," Jackson said.

A publicist in Showtime's New York office told the Times Herald that the names of the jurors and other participants in the trial would not be made known until after the show had aired simultaneously in the U.S. and England. Showtime said the measure was being taken to protect the privacy of all involved.

And, to guard against a premature disclosure of the final "verdict" as to the hypothetical guilt or innocence of Oswald, the jurors turned in sealed ballots, explained the Showtime representative.

Approximately 21 hours of "trial" taping will be edited into the two-part show. For the U.S. cable showing, former NBC newsmen Edwin Newman will serve as guide and commentator. Newman is scheduled to begin taping his portion of the show in Dallas Sept. 27.

The Showtime spokesman said that a press conference to officially launch a publicity campaign for "On Trial" was scheduled in Dallas Sept. 30.

A "trial" for Oswald is not an entirely fresh TV concept. In 1978 ABC telecast a four-hour docudrama, "The Trial of Lee Harvey Oswald," with actor John Pleshette playing Oswald. In that version of events, Oswald was shot and killed during the trial and no "verdict" was ever reached.

(Re-read the last paragraph of the AP story: the judge is a cousin of LBJ! So much for objectivity. Other witnesses include Ruth Paine, one of the TSBD employees under the window (Jr. Jarman or Harold Norman), and one of the County Jail inmates who witnessed the assassination.)

FWST 6-19-86

Watergate figure arrested

MIAMI — Watergate burglar Frank Sturgis and another man were arrested on charges of accepting stolen watches in what police alleged was a scheme to flimflam drug lords seeking reduced prison terms for hirelings.

Sturgis, 62, and Emilio G. Cotonat, 47, were arrested after accepting four Rolex watches worth nearly \$12,000 from an undercover police officer posing as the head of a drug distribution organization.

Metro-Dade police spokesman Larry Chilson said Sturgis promised the undercover officer that he could arrange shorter prison terms because an unidentified federal agency owed him favors for helping smuggle agents out of Haiti.

The two Miami men were charged with one count each of accepting stolen goods. The undercover officer used watches instead of cash because defrauding drug dealers of their illegal profits isn't against the law, but accepting stolen property is.

FWST 9-15-86

Radio whiz McLendon dead at 65

From Staff and Wire Reports

DALLAS — Gordon B. McLendon, "The Old Scotchman" who captivated radio audiences with his studio re-creations of live sports events, is dead at 65 after a long illness.

Bart McLendon said his father died at 9:15 p.m. Sunday at his North Texas ranch. The elder McLendon had suffered from cancer of the esophagus.

In recent years, McLendon, a multimillionaire, had spent much of his time on his ranch 25 miles north of Dallas. On Dec. 5, he was shot in the face with a .38-caliber revolver. His son said the shooting occurred when Gordon McLendon was cleaning the gun.

Denton County Chief Deputy Dave Klundt said today the shooting last year was listed as self-inflicted. At the time of the accident, Gordon McLendon had just returned from Houston, where he was receiving chemotherapy treatments for cancer.

At McLendon's request, there will be no funeral, his son said.

Between 1947 and 1952, Gordon McLendon created and owned with his father, B.R. McLendon, the nationwide Liberty Broadcasting System, which claimed 458 radio affiliates.

Sitting in a studio, McLendon used ticker tape messages from major league baseball parks and a battery of sound effects to dramatize live, play-by-play broadcasts.

He also teamed with such celebrities as Dizzy Dean on a nationwide baseball "Game of the Day" and football "Game of the Week" carried by the network.

McLendon, a native of Paris in Northeast Texas, graduated from Yale University with a major in Oriental languages.

He served in U.S. Naval Intelligence as a Japanese language officer during World War II.

After his discharge from the Navy, he attended Harvard Law School.

In 1943, he married Gay Noe, daughter of a Louisiana governor, James A. Noe.

After an initial start in the radio industry as owner-manager of KNET in Palestine, McLendon obtained a construction permit for KILF in Dallas in 1947.

In the 1950s, McLendon began using a list of the most popular records — a technique first employed by Midwest radio entrepreneur Todd Storz — along with listener contests and colorful disc jockeys to create the top 40 format, which became a staple of the radio industry for nearly three decades.

Among the radio stations owned by the McLendon family partnership were KABL-FM in San Francisco; KABL, Oakland, Calif.; WWSU-AM-FM, Chicago; WWWW, Detroit; WYSL-AM-FM Buffalo, N.Y.; KOST, Los Angeles; WRIT, Milwaukee; KILT, Houston; KTSA, San Antonio; KELP, El Paso; KEEL, Shreveport, La.; and WAKY, Louisville, Ky.

His family sold the last of many broadcast properties in 1978 and invested the proceeds. During the late 1970s and early 1980s, McLendon became a recognized adviser on invest-



Gordon B. McLendon

ments in precious metals and in 1981 wrote a book on the subject, *Get Really Rich in the Coming Super Metals Boom*.

In 1964, McLendon made an unsuccessful foray into politics, losing to U.S. Sen. Ralph Yarborough in the Texas Democratic primary.

McLendon's family owned drive-in movie theaters, and McLendon, a friend of actor John Wayne, produced several movies. He was executive producer of the 1981 release *Victory*, directed by John Huston and starring Sylvester Stallone.

McLendon's 200-acre ranch was his home and the production facility for his early movies, including *The Killer Shrews*, *The Giant Gila Monster* and *My Dog Buddy*.

Survivors include a sister, Marie Wheeler and four children — Bart McLendon of Dallas, Jan Moss and Kristen McLendon of Newport Beach, Calif., and Dr. Anna Gray McLendon of Corpus Christi.

A memorial service is planned for Saturday at the Cielo Ranch at Lake Dallas, Bart McLendon said.

The family requested that donations be made to a favorite charity or to the Girls Club of Dallas.

DTH 9-15-86



D. Harold Byrd

Air patrol co-founder Byrd dies

By GARY SCHULTZ
Staff writer

Dallas philanthropist D. Harold Byrd, a co-founder of the Civil Air Patrol, who made his fortune in the East Texas oilfields and helped finance the exploration of Antarctica, died at his home on Sunday after a short illness. He was 86.

Funeral arrangements are being handled by Sparkman-Hillcrest-Funeral Home in North Dallas. Services will be held at 10 a.m. Tuesday at the First Presbyterian Church of Dallas. Interment will be at Hillcrest cemetery.

Known to Civil Air Patrol acquaintances as Col. Byrd, David Harold Byrd was born on April 24, 1900, in Detroit, Texas, the youngest of eight children. On June 8, 1935, Byrd married Mattie Caruth, a descendant of a pioneer Dallas family. She died in 1972. Two years later, Byrd married Mavis Heath, widow of a former U.S. ambassador to Sweden.

Byrd attended Trinity University and the University of Texas at Austin, where he studied geology.

A gregarious man with an indomitable sense of optimism, Byrd was a cousin and close friend of Antarctic explorer Adm. Richard E. Byrd, who died in 1957.

Byrd funded some of Adm. Byrd's Antarctic explorations during the 1920s and 1930s, and as a result, the Harold Byrd Mountains of Antarctica were named in his honor.

A geologist by training, Byrd used his oil profits to build a financial empire that included recreational facilities, manufacturing, real estate, commercial and industrial ventures and farming and ranching enterprises.

He was closely identified with the Civil Air Patrol, which he and a small group of civilians founded in 1941 in Washington, D.C.

"Gen. Byrd was a substantial friend of mine. We became firm friends through our mutual interest in aviation during its years of infancy," said retired Gen. James H. Doolittle, a former Commander of the Eighth Air Force in England during World War II.

After the Pearl Harbor attack, Byrd was appointed commander of the Texas wing of the Civil Air Patrol from 1941 to 1948 and was Southwest regional commander from 1948 to 1953.

Byrd also was co-founder and director of Dallas area aircraft companies including Temco Aircraft Corp. and Executive Flyers Inc. In 1957, he organized and became chairman of the board of Space Corp., based in Garland, which manufactured propulsion and ground test equipment for jet engines and aerospace ground support equipment.

Byrd is survived by his wife and two sons, D. Harold Byrd Jr. and Caruth Clark Byrd.

Mark August contributed to this story.

(Byrd bought the TSBD in 1949 and added the top 4 floors — he was still the owner in 1963. Suspect David Ferrie and Oswald were teacher and student, probably together, in the New Orleans CAP. An idol of Jack Ruby, "McLendon's best friends included Hoover and Clint Murchison. Along with David Phillips, believed by some to have had a pre-assassination connection with Oswald as "aurica Bishop, "McLendon proposed a weekly series "celebrating the exploits of the CIA" to the tv networks in 1980. The idea was shot down before it had a chance.