

August 31, 1972

Honorable Ralph E. Erickson  
Deputy Attorney General  
of the United States  
U. S. Department of Justice  
Washington, D. C. 20530

Dear Mr. Erickson:

Thank you for your letter of August 21, 1972 regarding the "Cointelpro-New Left" program of the Federal Bureau of Investigation.

If, as stated in Mr. Kleindienst's letter of April 25, 1972, the information I seek is "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy," I am now entitled to a review of that determination as a matter of right. Do I understand the denial of such a hearing and the omission of any mention of the "national security" exemption in your August 21 letter to mean you no longer rely on that exemption?

With respect to the "intra-agency memoranda" exemption cited in your August 21 letter, of course most documents available under the Freedom of Information Act are in some sense inter-agency or intra-agency communications. The key test is whether disclosure of the document would inhibit the free expression of opinion within the agency or the free flow of information.

EXHIBIT P