

[EXHIBIT D]

November 26, 1969

Mr. Richard G. Kleindienst
Deputy Attorney General
Washington, D.C. 20530

Dear Mr. Kleindienst:

Please refer to your letter to me of November 13th, a copy of which is enclosed for your convenience.

In the second paragraph of your letter, you state: "No documents in the files of the Department are identifiable as being copies of the documents transmitted to British authorities through diplomatic channels at the request of the States of Tennessee and Missouri and presented to the Bow Street Court by officials of the United Kingdom." (italics added).

You are correct; there are no such documents in the files of the Department of Justice or elsewhere. The documents we seek are those presented by Mr. David Calcutt, English Barrister employed by the U.S. Government.

The Bow Street Court has verified that Mr. Calcutt presented certain documents to the court for a public hearing on extradition. At the completion of the hearing, the documents were returned to U.S. authorities.

From a description of the documents, it seems clear that they were either prepared by or forwarded by the Department of Justice. Under these circumstances, I am hard pressed to believe that the Department did not retain a copy for its files. As the London proceeding was public, it is equally difficult to understand how they could now be relabeled as part of an "investigative file." I therefore renew my request for copies of the documents specified above.

If, against all tradition, the Department failed to retain a copy of the documents in this important case, can you suggest any Department or Agency, other than the Department of State, which might have retained copies in their files?

Our first communication on this subject required almost three months for a reply. The Freedom of Information Act calls for prompt responses on requests for information. I sincerely hope that you will favor us with a prompt and unequivocal reply.

Most respectfully yours,

Bernard Fensterwald, Jr.

BF:crr
Encl.