



Office of the Attorney General  
Washington, D. C. 20530

DEC 14 1970

Mr. Harold Weisberg  
Coq d'Or Press  
Route 8  
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in response to your letter of November 8, 1970, which requests my review of the denial by the Deputy Attorney General of your request under the Freedom of Information Act, 5 U.S.C. § 552, for access to certain information pertaining to the investigation of the assassination of President John F. Kennedy. Specifically, you have requested access to "[a]ll information about and FBI reports of interviews with Ronnie Caire, questioned for Warren Commission. Further details in letter of 9/15/70," and to information regarding a fingerprint which you claim was discovered on a leaflet distributed by Lee Harvey Oswald. After reviewing the matter, I have concluded that the Deputy Attorney General's decision to deny your request should be affirmed.


With respect to your request for information concerning interviews of Ronnie Caire by the Bureau, I can advise you that the files of this Department contain no information that Caire was interviewed by the FBI concerning the assassination of President Kennedy or concerning Oswald. Accordingly, your request must be denied because the Department has no information in its files of the character you seek. I might add, however, that information of the type you request (if it were present in the Department's files) or for that matter any information relating to Mr. Caire collected by the Department during a law enforcement investigation is regarded

by the Department as exempt from compulsory disclosure under 5 U.S.C. § 552(b)(7).

As to your other request, I am in full agreement with the Deputy's conclusion that the exemption for investigatory files is applicable. Indeed, one would be hard pressed to imagine a clearer case of a request for data covered by that exemption. The applicability of an exemption, however, does not require that your request be denied, because the exemptions serve only to authorize the withholding of records by removing the Act's otherwise applicable compulsory disclosure requirement. I have accordingly given consideration to the possibility of granting your request in the exercise of my discretion, but it is my conclusion that such action would be inconsistent with the public interest.

I regret that I am unable to give you a more favorable response.

Sincerely,



John F. Birtcher  
Attorney General