

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: 7/24/72

FROM : D. J. Dalbey

SUBJECT: FREEDOM OF INFORMATION
ROBERT P. SMITH

- Mr. Tolson
- Mr. Bates
- Mr. Bishop
- Mr. Callahan
- Mr. Campbell
- Mr. Cleveland
- Mr. Conrad
- Mr. Dalbey
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, E.S.
- Mr. Ponder
- Mr. Soyars
- Mr. Walters
- Tele. Room
- Mr. Kinley
- Mr. Armstrong
- Ms. Herwig
- Mrs. Neenan

DC
Committee to Investigate Assassination

Attached is a memorandum of July 18, 1972, to the Acting Director from Roger C. Cramton, Acting Assistant Attorney General, Office of Legal Counsel, concerning captioned matter. In back of it is another attempt, previously unsuccessful, by Mr. Smith to obtain certain FBI information relating to the assassination of President Kennedy. On 5/4/72, the Acting Director's letter to the Acting Attorney General suggested that Smith's request be denied. The Department is now having another look at the matter.

MAD

Committee to Investigate Assassinations

Attached memorandum from the Department makes two requests, as follows:

- (1) That the FBI provide the Department with the specific documents and other materials requested by Smith so that the Department can study them and make a decision on whether they should be released to Smith, or in the alternative, the Department should prepare itself to defend against Smith's lawsuit under the Freedom of Information Section by which he demands these materials.

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66-11555-5
66-19142-1
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As to the above request, we, of course, have no choice but to furnish the material to the Department. For this reason, the General Investigative Division and the FBI Laboratory are requested to furnish Office of Legal Counsel as soon as possible with the items requested, together with their memorandum stating as to each item whether it should be surrendered to Smith or it should not and in the latter case the reason for denial.

Spec to USA, 8/3/72, JGD:ich

Enc. - Sent 7-25-72 *EX-104* *REC-511* *62-112697-13*

- 1 - Mr. Bates
- 1 - Mr. Bishop
- 1 - Mr. Conrad
- 1 - Mr. Dalbey

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CONTINUED - OVER LEGAL COUNSEL

Memorandum to Mr. Felt
RE: FREEDOM OF INFORMATION
ROBERT P. SMITH

(2) The Department's second request is that the FBI designate some person on the FBI staff with whom the Department may confer concerning all such Freedom of Information requests, this one and others to come in the future. Up until this time all Freedom of Information Section requests made to the FBI were handled by Crime Records Division. We suggest that responsibility for this work be transferred to Office of Legal Counsel. These questions are matters of law, not of publicity, as shown by the fact that in the Department of Justice they are handled by the Office of Legal Counsel rather than by the Public Information Officer.

RECOMMENDATIONS:

(1) That FBI responsibility for Freedom of Information Section requests be transferred from Crime Records Division to Office of Legal Counsel.

RR
revised
08

Agree. Jim 7/24
10:31 PM

(2) That the attached letter be sent to the Department to advise that they may hereafter confer with Office of Legal Counsel in the FBI on Freedom of Information Section matters.

Agree. Jim 7/24
10:31 P

(3) That the General Investigative Division and the FBI Laboratory furnish Office of Legal Counsel with all pertinent materials, and observations concerning them, in this case.

Do not permit a final
decision to be made in
this case without my
knowledge. I will want to consult
next with the DAG + AG. Keep
me informed please. Jim 7/24 10:33 PM

Agree
Jim 7/24
10:31 P

HAS
AMB
WGC

AS
TEB
RTU