



United States Department of Justice
Washington, D.C. 20530

ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL

28 MAR 1980

Mr. Harold Weisberg
Route 12
Old Receiver Road
Frederick, Maryland 21701

Dear Mr. Weisberg:

Enclosed please find five documents which are being released to you pursuant to your request of June 21, 1977. These memoranda were formerly exempt from disclosure, both because they were classified, 5 U.S.C. § 552(b)(1), and because they are intra-agency correspondence 5 U.S.C. § 552(b)(5). It has now been determined that four of the documents and most of the fifth may be declassified. We are, therefore, declassifying and waiving the exemption for intra-agency correspondence for four of the documents and most of the fifth in order to make them available to the public.

The fifth document, a memo sent on January 9, 1969 from this office to the Attorney General, has four appendices attached to it. These appendices contain a listing and short summaries of documents prepared by other agencies. The National Archives, which has control of most of these documents, has reviewed them and authorized the declassification and release to the public of most of the appendices. However, some of the underlying material is still classified and reference to it in the appendices has, therefore, been deleted. The National Archives has stated that the deletions in CD No. 75 were made pursuant to 5 U.S.C. § 552(b)(7) and those in CD No. 794 pursuant to 5 U.S.C. § 552(b)(1) and (b)(7)(C).

The Department of Justice has control of the documents listed in Appendices D(II) and D(III). However, almost all the documents listed were written by other agencies and are still classified. We have, therefore, included only

those portions of the appendices where the underlying document is no longer classified. The deletions in these portions are made pursuant to 5 U.S.C. § 552(b)(1). Because we do not have authority to declassify those underlying documents, and because those documents are presumably within the scope of your Freedom of Information Act request as applicable to the agencies that originated them, we trust that the agencies concerned will respond in appropriate fashion regarding those documents.

In addition to your Freedom of Information request, please regard this letter as responding to your request under the Privacy Act of June 6, 1977. This Office has written two memoranda which refer to you. Enclosed are redacted copies of both. Material from the Memorandum to the Attorney General has been deleted pursuant to 5 U.S.C. § 552(b)(5). Material from the memorandum to Mr. Ulman has been deleted pursuant to 5 U.S.C. § 552(b)(6).

Insofar as withholding of the appendices referred to above is concerned a denial of your request, you may appeal the decision by writing within thirty days to the Attorney General; Attention: Freedom of Information Appeals Unit; Department of Justice, Washington, D. C. 20530. Your envelope and letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." In the event that your administrative appeal is unsuccessful, judicial review will thereafter be available in the United States District Court for the District in which you reside or have your principal place of business, or in the District of Columbia where the records are located.

Sincerely,



John M. Harmon
Assistant Attorney General
Office of Legal Counsel