

JFK assassination records - no law enforcement purpose

In the past I have appealed the use of exemptions keyed to a law-enforcement purpose where there was no law enforcement purpose and have provided FBI proofs that in the JFK assassination investigation the FBI in fact had no law enforcement purpose.

The admission of no law enforcement purpose was by Director Hoover and under him. He also stated this under oath.

Temporarily he was succeeded by an Acting Director, now a criminal defendant.

It happens that this Acting Director also had been ~~DAF~~ as I recall Chief of the (Or Deputy?) Civil Division./In that capacity he had his name on court records alleging a law enforcement purpose when there was none, with results not unfamiliar to you and the subject of prior comment by you.

In the attached Not Recorded Serial from 105-82555 of 8/14/72, where law enforcement purpose is requisite for the applicability of the decision cited, neither the then Acting Director nor anyone else involved claimed any law enforcement purpose. Rather is there reference to "investigatory files" without reference to any law enforcement purpose.

The note added by Mr. Gray, rather than claiming applicability of the law enforcement exemption, states merely "I do not want to release." This in response to advice from counsel to the contrary in an FOIA matter raised by Paul Hoch's request.

The common official desire not to release is what led to the Act and to its amending.

FOIA is an act requiring disclosure, not an authorization for withholding, unless the exemptions are properly applicable.

While this record is not as explicit in stating there was no law enforcement purpose as are the records I provided earlier because I believe it adds dimension to the determination to withhold outside the exemptions and despite lack of necessary law enforcement purpose I provide it.

In doing this I do not avoid the obvious: all investigatory files are not for law enforcement purposes. The Act does not exempt investigatory files as such. It requires that the files have been compiled for law enforcement purposes.