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DEC 18 1975

Mr. Henry L. Brown, Jr.
Route 4, Box 62
Seward-on Road
Fairbridge, New Jersey 07727

sent 12/16/75

Dear Mr. Brown:

This is in response to your letter of September 8, 1975 requesting my review, pursuant to 28 C.F.R. §16.7(c), of the decision of August 6, 1975 by the Deputy Attorney General denying your request under the Freedom of Information Act, 5 U.S.C. 552, for certain records of investigation pertaining to the assassination of President Kennedy. According to your request Form DJ-118 of July 21, 1970 and its attachment, you seek "any record in the possession of * * * [the Justice] Department concerning the suspect individuals mentioned in Warren Commission Exhibits 705 and 1974." These two exhibits, as set forth in the published hearings of the Warren Commission, together cover 241 pages. The desired records are further described in a sheet attached to your request form which sets forth eight excerpts from the recording transcripts of the Dallas County Sheriff's Office and the Dallas Police Department for 22 November 1963. These excerpts typically refer to "excerpts" of specified vehicles, or to a "person" or a "subject" or a "suspect", but in no case do any of the excerpts contain either the name of a detailed description of any individual.

In response to your appeal, I have carefully reviewed your request, its denial by the Deputy Attorney General, and your arguments as set forth in your letter to me of

September 8, 1976. Upon such review, I have determined that the denial by the Deputy Attorney General should be, and is hereby is, affirmed.

My action is based in part on the fact that the records you seek are all "investigatory files compiled for law enforcement purposes" and, as such, are exempt from compulsory disclosure under the 7th exemption in the Freedom of Information Act. Accordingly, it is not necessary for me to determine to what extent some of the records you seek might be within other exemptions, such as the 6th exemption for personal privacy, contained in the Act.

Having concluded that the records are exempt by law from required disclosure under the Freedom of Information Act, I could nonetheless disclose them as an exercise of my own discretion as Attorney General. I have decided not to do this for the reasons hereafter stated.

First, to comply with your request would require the review of voluminous investigative files located both in Washington and elsewhere. We do not believe it is possible to estimate accurately the time that a review of these records might involve, except that it would be extensive. Even if the Government could be assured that the taxpayers would be fully compensated, financially, for performing this excessive research, such a task would involve a diversion of this Department's personnel from their regular, principal duties of law enforcement as assigned to us by Congress.

Second, the records in question were not only originally "compiled" for law enforcement purposes, and thus are legally exempt, but they still serve such purposes. These purposes are quite apart from any question whether a prosecution or other law enforcement proceeding might still be initiated against any individual referred to in such records. The phrase "for law enforcement purposes"

in the statute covers other forms of law enforcement besides the conduct of legal proceedings, -- for instance, the prevention of future presidential assassinations. The fact that a given individual is or is not referred to in records such as these may in itself be important information, not only with respect to the possibility that such person is likely to be involved in future violative conduct but also as an indication of which individuals have and which have not been within the scope of investigative law enforcement attention. In addition to the identification of individuals, such records disclose the investigative methods of law enforcement organizations. Moreover, the free flow of information from citizens to law enforcement personnel, which is vital for law enforcement, would be seriously jeopardized if information previously furnished for law enforcement investigations is made readily available. Therefore records such as these, both by reason of the information they contain and by reason of their continued non-disclosure, still serve law enforcement purposes.

Third, to make available records such as these would inflict unnecessary and unfair injury on private persons. Investigative law enforcement files frequently contain substantial amounts of raw, unevaluated matter which may violate personal privacy, which may be derogatory, defamatory, or otherwise injurious to an individual or an organization, or which is false, misleading, or malicious. Therefore release of such records could produce serious damage to a career, family, reputation or other harm or economic interests.

The foregoing factors, which are the reasons for the exemption of such records from mandatory disclosure under the Freedom of Information Act, have led me to decide against a discretionary disclosure of the records you seek.

Sincerely,

John H. Mitchell
Attorney General