

2537 Regent St., Apt. 202
Berkeley, Calif. 94704
September 16, 1969
(By Certified Mail)

Attorney General John Mitchell
Department of Justice
Washington, D.C. 20530

Dear Sir:

In accordance with 28 CFR 16.7(c), I wish to request a review of the denial by the Deputy Attorney General of my request for access to a certain record under 5 USC 552. I am enclosing a letter dated August 19, 1969, from Mr. R. Richards Rolapp, Special Assistant to the Deputy Attorney General, which is in effect a denial of my request of June 9, 1969. (The original request is also enclosed, along with all of our subsequent correspondence on this matter.)

As I noted in my letter of July 25, I felt that I was entitled to either a copy of the requested record (the particular copy of the pamphlet "The Crime Against Cuba" which was obtained from Lee Harvey Oswald by FBI Agent John L. Quigley on August 10, 1963) or an explicit denial, with a specification of the section of 5 USC 552(b) under which exemption from disclosure is claimed. Mr. Rolapp's reply of August 19 does not satisfy either of these alternative requirements. Therefore, I think that at this point I need not argue in detail my belief that the requested record is not covered by any of the exemptions in the "Freedom of Information" Act. I would hope that you agree with me that it is not exempt. My letter of July 25 presents in detail some of my reasons and arguments for insistence upon disclosure, as does my previous correspondence, including that with officials of your Department in the previous Administration.

I do not feel that the existence of more-or-less identical pamphlets elsewhere is sufficient grounds for a denial, explicit or implicit, of my request. Even if I were to accept without question Mr. Rolapp's assurances that (with the specified exceptions) the two pamphlets he refers to are "identical in all respects," I might still wish to inspect the original Quigley pamphlet, or to press my original request for other reasons. Your Department chose to send me a Xerox copy of a document obtained from another agency, the Archives (and, incidentally, published and already in my possession), and list the differences from the requested document, rather than simply send me a copy of the requested item, which is in your own files. This in itself seems unusual enough to suggest that the matter should be pursued.

Furthermore, Mr. Rolapp's response may well be substantially, as well as technically, inadequate. There may be differences between the copies he examined which escaped his notice. For example, I was told by Mr. James T. Devine, Assistant to the Deputy Attorney General, on September 11, 1968 that various copies of the pamphlet in your files "have no markings or other indicia, other than are necessary for filing purposes. by which one copy of the pamphlet can be distinguished from another." I would have expected that the original Quigley pamphlet would have some such markings "necessary for filing purposes," such as Mr. Quigley's initials, the date, etc. Although such markings may have been made for filing purposes, they may be of significance to students of the Warren Report. Also, as I noted in my letter of June 9, responses to my previous inquiries had been, "in some crucial respects, contradictory and ambiguous." I see no reason to discuss these inadequacies in previous responses here, since they may have been

inadvertent, and since you can convince me that there are no such problems with Mr. Rolapp's replies simply by providing a copy of the requested record. Otherwise, the possibility of a substantial difference between the Quigley pamphlet and Commission Exhibit 3120 cannot be ignored.

So that you will not think that my lengthy attempts to obtain this item have been frivolous, or that my unwillingness to accept a different copy of the pamphlet represents merely an excessive concern with technicalities, I would like to present briefly some of the reasons for my interest:

1) SA Quigley's report of his interview with Oswald (see Commission Exhibit 826) mentions this pamphlet, but not the 544 Camp Street address. Other leads on the activities of the Fair Play for Cuba Committee in New Orleans (such as the name A. J. Hidell, and the P.O. Box listed on Oswald's literature) were checked out, as reflected by various FBI reports made before the assassination of President Kennedy and published by the Warren Commission. To find out if the absence of any mention of 544 Camp Street in all of the pre-assassination FBI reports which I have seen is of any possible significance, I had to determine that the particular copy which Mr. Quigley obtained did in fact have that address rubber-stamped on page 39.

2) Even if 544 Camp Street had no special significance, the omission of such a lead from Mr. Quigley's report might be considered interesting. However, numerous allegations have been made that possible associates of Lee Harvey Oswald were engaged in anti-Castro activities at that address. The Warren Report noted only that the Cuban Revolutionary Council, "an anti-Castro organization," had maintained an office at 544 Camp as late as 1962 (WR 837). I am sure that any personnel of your Department who happen to be familiar with the recent "investigation" carried out by Mr. Garrison could provide you with much more detail than I could on the possibly significant activities at that address at the time Oswald used it.

3) The FBI's post-assassination investigation of the 544 Camp angle was, in the opinion of some authors, inadequate. (See, for example, Oswald in New Orleans, by Harold Weisberg, Chapter 13.) I have noted with interest that the original Quigley pamphlet is in the Justice Department files, and that the Archives has been unable to locate a copy among the records of the Warren Commission. This tends to confirm my deduction that the FBI did not bring this pamphlet, or its significance, to the attention of the Commission. I have a Secret Service report which indicates that the FBI even discouraged the investigation of Oswald's literature distribution by the Secret Service.

In view of the persistent allegations that there was some sort of special and hidden relationship between Lee Harvey Oswald and the FBI, I feel that it would be in the public interest, and in the interest of your Department, not to withhold any material which may be at all relevant, such as the pamphlet I have requested. (I remind you that I have received no response at all to another request, dated July 8, 1968, for certain FBI records relating to Oswald.) I note that your response to this request for review "will constitute the final action of the Department," and that 5 USC 552(a)(3) makes provision for any further action I might wish to take. Hopefully, no such further action will be required.

Sincerely yours,

Paul L. Hoch

Paul L. Hoch

cc: Mr. Rolapp