U.S. Department of Justice

Office of Legal Policy

*Office of Information and Privacy*

*Washington, D.C. 20530*

NOV 26 1986

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, MD 21701

Re: Appeal No. 80-1644
& 81-0533
RLH:PLH

Dear Mr. Weisberg:

This is in response to your administrative appeals from the actions of the Criminal Division on your requests for access to records which pertain to the assassination of President John F. Kennedy.

As a result of discussions between Criminal Division personnel and Ms. Hubbell of my staff, I have decided to affirm the Criminal Division's initial actions. Exemption 2 of the Act, 5 U.S.C. 552(b)(2), was used to withhold the investigatory file numbers on third parties. These file numbers are also withholdable pursuant to 5 U.S.C. 552(b)(7)(C). Such numbers are purely internal agency matters as to which the general public has no legitimate interest. Exemption 6, 5 U.S.C. 552(b)(6), was used to protect a small amount of information concerning third parties mentioned in non-investigatory records in these documents in order to protect their personal privacy. Exemption 7(D), 5 U.S.C. 552(b)(7)(D), was used in certain limited instances to protect the identities of confidential sources with either an express or implied promise of confidentiality. The Criminal Division's use of these three exemptions is affirmed.

I am remanding the remainder of these records to the Criminal Division for reprocessing pursuant to guidelines agreed to by that Division after an extensive review of the records by Ms. Hubbell. In view of the historic nature of this case and the age of these records, the Criminal Division will no longer rely on Exemption 5 to withhold information subject to these appeals and certain material originally deleted pursuant to Exemption 7(C) will be released. In addition, FBI personnel have agreed to review those documents pertaining to individuals or incidents of some significant interest to the government's investigation of the Kennedy assassination, such as James Garrison, David Ferrie, Clay Shaw and Special Agent Hosty, to determine whether an additional release of records is warranted in light of the Bureau's previous releases of Kennedy records.

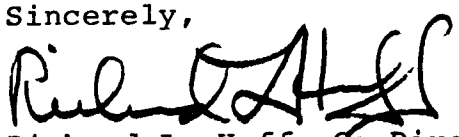
I wish to address several other issues you have raised pertaining to these appeals. First, regarding the scope of the search conducted by the Criminal Division, I have determined that the original search was adequate in light of the general nature of your request which was for all records pertaining to the assassination of President John F. Kennedy. Nevertheless, as a matter of discretion, the Criminal Division has conducted a search for all records pertaining to James Garrison, David Ferrie, Clay Shaw and file DG 129-012-4 for records pertinent to the John F. Kennedy assassination, DG 129-012-4 is referred to in one of the Criminal Division records and appears to be a file concerning the guidelines for disclosure of John F. Kennedy information. The Criminal Division, however, has been unable to locate any record that such a file ever existed. No other files were located as a result of this search except a file concerning David Ferrie. The Criminal Division will treat this latter file as the subject of a new request and, since it consists solely of Bureau documents, refer it to the FBI for direct response to you. If you are dissatisfied with the ultimate response of the Bureau on this file, you may appeal again to this Office.

Concerning your request for the status of referrals and consultations made by the Criminal Division, I have requested that Division to determine the status of all documents referred to other agencies or components of the Department of Justice for consultation and to advise you promptly of the results of this review.

Finally, I regret to advise you that we have not yet been able to reach a determination with regard to the disposition of the dictabelts made by the Dallas Police Department and the other related materials located in a safe in the Criminal Division. Several problems exist concerning these recordings. First, certain of them have shrunk and cracked around the edges, raising the possibility that making copies may cause further deterioration of the dictabelts. Second, we have been engaged in discussions with Congressman Stokes concerning the proper disposition of these records. We will advise you as soon as we have reached a final decision on these records.

Judicial review of my action on these appeals is available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, which is where the records you seek are located.

Sincerely,



Richard L. Huff, Co-Director
Office of Information and Privacy