

- 1 - Mr. D. J. Talbey
- 1 - Mr. H. A. Schutz
- 1 - Mr. L. Whitson

Assistant Attorney General  
Office of Legal Council

July 29, 1971

Director, FBI

185-82555 - UNREC.

FREEDOM OF INFORMATION ACT -  
ATTORNEY OF PAUL L. MOSE

OP3

Reference is made to the letter of Thomas D. Harper, Acting Assistant Attorney General, Office of Legal Council, dated July 19, 1971.

Referenced letter contained an inquiry as to whether any material had been deleted from pages 400 and 426 of the Warren Commission Document 75 which have been published as pages 400 and 426 of Commission Exhibit 1141. No material was deleted from these pages prior to their publication by the Commission.

Enclosed are two copies each of the aforementioned pages as they appear in our files. The markings (asterisks, underlinings and marginal notations) which appear on the copies herewith are administrative markings which were added to these pages at FBI headquarters subsequent to the preparation of the originals.

It may be noted that pages 400 and 426 of Commission Document 75 were not recommended for release in our October 1, 1970, memorandum entitled "Five-Year Review of Warren Commission Files," which was enclosed with our letter bearing the same title and date, because those pages contain the identity of sources of information the disclosure of which could limit the use of them or similar sources in the future to the detriment of the administration and enforcement of laws of the United States. Accordingly, it was felt that these pages should not be released in accordance with the guidelines 2 (A) and 3 (D) approved by the Honorable McGeorge Bundy, then Special Assistant to the President, on April 19, 1965.

However, inasmuch as these pages have in fact been released by the Commission, this position regarding the aforementioned pages is no longer pertinent.

ORIGINAL FILED IN 62-11837-131

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JEP: [unclear]

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SEE NOTE PAGE THREE

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Item 1, B, in the referenced letter requested a copy of page 2 of Commission Document 633. A copy of page 2 of Commission Document 633, the report of SA Dennis W. Stephan regarding Leo Harvey Oswald, dated March 13, 1964, at Chicago, Illinois, is enclosed.

Release of this page has not been recommended in the past and is not now recommended because guideline 3 (D) mentioned above, specifically relates to pages such as this. This page contains information from confidential records of the U.S. Union, Chicago, Illinois, which is to be produced only upon issuance of subpoena duces tecum.

Item 2 in the referenced letter states that Mr. Tsch in his appeal specifically asks about a record of a possible contact initiated by Carlos Quiroga with the FBI on August 13, 1963, concerning a handoff of communist literature by Oswald on that day. Inquiry was made as to whether such a record exists. Files of our headquarters contain no indication that any such record exists or that any such contact took place. However, in order to pursue this point further, we have requested our New Orleans Office to advise whether it has any record of any such contact. The results of that inquiry will be furnished to you when received.

Item 3 in the referenced letter notes that our letter of January 4, 1971, to the Deputy Attorney General stated that the FBI has no record of any interview with Edward S. Butler other than that appearing on page 13 of Commission Document 201. A further search has been made of our records for a document containing the results of any other interview with Edward Seannell Butler relating to Oswald, the assassination, or related matters. That review confirms our previous statement that there are no other reports of such interviews of Mr. Butler. There is no information to support Mr. Nech's speculation that the December 13, 1963, interview of Mr. Butler was a "supplemental interview." As indicated in our January 4, 1971, letter, details concerning Mr. Butler's contact with Oswald on August 21, 1963, at Station 433 in New Orleans, Louisiana, are available in Commission Document 637, pages 520-530, and in the supplemental volumes of the Commission hearings. It is noted that in Commission Document 201,

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which Mr. Hoch has, Mr. Butler is reported as saying that the August 21, 1963, contact with Oswald was the only one he had.

It remains our view, as previously stated, that the final decision as to public disclosure of material such as that discussed herein rests with the Department of Justice. Our views with regard to possible handling of requests from Mr. Hoch were set out in our letters to the Deputy Attorney General dated July 1, 1970, and January 4, 1971. Except for the fact that the release of pages 400 and 426 of Commission Document 75 is no longer at issue, these views still pertain.

Enclosures - 5

NOTE:

Paul L. Hoch, Berkeley, California, "graduate student" has been making inquiries about the assassination of President Kennedy over the past five years. On 9/19/69 he wrote to the Attorney General alleging "some sort of relationship" between Lee Harvey Oswald and the FBI. The Director has noted "I dislike the hounding of a character like Hoch who is obviously a 'smear' artist." Under the Freedom of Information Act, Hoch has requested, among many others, the documents mentioned above. Referenced letter states that Hoch is appealing the Deputy Attorney General's 5/7/71 denial of Hoch's 12/9/70 request for various documents. Referenced letter requested certain additional information and copies of documents in order to dispose of Mr. Hoch's appeal. Regardless of the fact that Seat of Government files contain no information to substantiate supposition that there may have been an interview of Carlos Quiroga on 8/16/63, in view of Hoch's persistence it is deemed advisable to ask New Orleans to check its files on this point so we may nail it down securely. Inquiry being made of New Orleans by separate airtel. Department also asked for any comments you might wish to make on the disposition of this appeal. This letter refers Department to our previous position that ultimate decision as to public disclosure rests with the Department of Justice and refers to prior letters in which we comment on Hoch's inquiries regarding Quiroga and Butler. Copies of the

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NOTE CONTAINED:

three documents enclosed are from Bureau file 105-32555-454,  
pages 400 and 426 and 105-32555-2557, page 2.