

The Deputy Attorney General

July 1, 1970

Director, FBI

- 1 - Mr. C. D. DeLoach
- 1 - Mr. W. C. Sullivan
- 1 - Mr. K. M. Raupach
- 1 - Mr. W. A. Branigan
- 1 - Mr. T. N. Goble

FREEDOM OF INFORMATION ACT:
PAUL L. HOCH

Reference is made to your letter dated June 19, 1970, and to our letter dated June 25, 1970, both captioned as above.

Mr. Hoch makes three requests (Forms DJ-118) for access to information relating to the assassination of President Kennedy. His letter is returned herewith.

1. He requests all enclosures which were sent with our letter dated September 21, 1964, addressed to Mr. J. Lee Rankin of the Warren Commission, concerning Sylvia Odio. This is Commission Exhibit No. 3146. Mr. Hoch quotes a letter from Mr. Mark Eckhoff of the National Archives that "We have been unable to locate the enclosures mentioned in Commission Exhibit 3146." Mr. Hoch states he does not wish copies at this time of the enclosures but requests that copies be provided to the National Archives.

The files of this Bureau reveal that our letter dated September 21, 1964, and its 44 enclosures were delivered to the Warren Commission. As noted above, the Commission identified the letter as Commission Exhibit No. 3146. The Commission published it on pages 834 and 835 of Volume XXVI of the "Hearings Before the President's Commission on the Assassination of President Kennedy." Several of the 44 enclosures were also printed by the Warren Commission in Volume XXVI. For instance, Commission Exhibit No. 3147 appears on pages 835-838 of this Volume. Commission Exhibit No. 3148 was printed on pages 838 and 839 of this Volume. Both of these items were enclosures to our letter of September 21, 1964.

For your assistance, I am enclosing one copy of Commission Exhibit No. 3146. I am also enclosing one copy of each of the items originally transmitted with it to the Warren Commission. There are 22 different items. Two copies

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(Oswald)

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of each were originally furnished to the Warren Commission, amounting to the total of 44 enclosures. We have no objection to your furnishing these items to the National Archives if you deem it advisable for the completion of the files of that Agency.

So far as public disclosure of these items is concerned, we note that we are unable to determine from our files whether or not these items were ever reviewed under the Guidelines approved on April 19, 1965, by Mr. McGeorge Bundy, the then Special Assistant to the President, since we do not know the Commission Document number assigned to each of these items. Upon viewing these items, the National Archives may be able to determine these numbers and also whether or not the items were reviewed from the standpoint of whether they could be placed in the public domain. Should you determine it advisable to furnish these items to the National Archives, we believe this matter should be called to the attention of appropriate personnel there. You will note that none of the items is classified.

2. Mr. Hoch requests "all FBI reports relating to Thomas Vallee (or Valle) and his arrest in Chicago on November 2, 1963, which were provided to the Warren Commission." He explains that Mr. Eckhoff of the National Archives advised by letter of March 5, 1969, that "Documents containing the name of Thomas Vallee are withheld from research at the request of the Federal Bureau of Investigation." Mr. Hoch states that he has five pages relating to Vallee: "CD 149, page 19*; CD 460, pages 1-2*; and CD 462, pages 1-2."

The results of the FBI investigation concerning Thomas Vallee are located in six reports which were furnished to the Warren Commission and which are now on file at the National Archives. These reports, all captioned "Lee Harvey Oswald," are:

(a) December 2, 1963, Chicago report of Special Agent Leo E. Pedrotty. This is Commission Document (CD) 47, which Mr. Hoch mentioned in his letter, speculating that it contains material relative to Vallee. The report totals 80 pages. Pages 1 (Synopsis), 1A, 10, 11, 12, 13, and 14 are the only pages which contain material relative to Vallee. Enclosed is one copy of each of these pages. All of them have been

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withheld from public disclosure, along with other pages in this report not related to Vallee, pursuant to Guideline 3C: "would be a source of embarrassment to innocent persons, who are the subject...of the material in question, because it contains...details of a personal nature having no significant connection with the assassination of the President." It is noted these pages contain information concerning Vallee's mental condition.

(b) December 5, 1963, Chicago report of Special Agent Dennis W. Shanahan. This is CD 109, an 11-page report. Pages 1 (Synopsis), 2, 3, and 4 are the only pages containing material relative to Vallee, and these pages have also been withheld from public disclosure under Guideline 3C. They contain the results of a review of the Veterans Administration files concerning Vallee. Enclosed is one copy of each of these pages.

(c) December 5, 1963, St. Louis report of Special Agent Albert J. Rushing, Jr. This is CD 117, a six-page report. Pages 1, 4, 5, and 6 are the only pages which relate to Vallee, and enclosed is one copy of each of these pages. This entire report was withheld from public disclosure pursuant to Guideline 3C. You will note the material on Vallee concerns his military records, including the information that he was discharged from the Marine Corps for a physical disability described as "schizophrenic reaction."

(d) December 10, 1963, Chicago report of Special Agent Dennis W. Shanahan. This is CD 149, a 19-page report. Page 19 is the only page which relates to Vallee, and it is available to the public. Mr. Hoch states in his letter that he has this page. He speculates that page 2 of this report also deals with Vallee. It does not, and there is enclosed a copy of it for your information. Page 2 has been withheld from the public under Guideline 3B: "might reveal the identity of confidential sources of information..."

(e) February 5, 1964, Chicago report of Special Agent Dennis W. Shanahan. This is CD 460, a two-page report available to the public, and Mr. Hoch states he has seen it.

(f) February 12, 1964, Chicago report of Special Agent Dennis W. Shanahan. This is CD 462, a four-page report available to the public. Pages 1 and 2 deal with Vallee, and Mr. Hoch states in his letter that he has seen these.

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You have requested our comments on whether the material Mr. Hoch has requested should be made available to him. So far as is known by this Bureau, the reasons for withholding from the public the material relevant to Vallee, that is, the reasons under Guideline 3C, are still valid. We have no information indicating otherwise. This being the case, it would appear the material on Vallee should not be made available to Mr. Hoch.

Page two of CD 149, which Mr. Hoch specifically mentions, should not be made available to him because it does not pertain to Vallee and because it falls within Guideline 3B, as noted above.

3. Mr. Hoch requests "all material in the New Orleans file 97-74...which relates in any way to" Oswald or his associates in the New Orleans Chapter of the Fair Play for Cuba Committee (FPCC).

Our letter to you dated December 16, 1969, classified "Secret," entitled "Request Under the Freedom of Information Act for Records Possibly Contained in the Files of the Federal Bureau of Investigation," discussed the 1A Section of New Orleans file 97-74, and we concluded that disclosure to Mr. Hoch of the records in this Section would be contrary to the public interest. Mr. Hoch now requests all material in the New Orleans file relating to the FPCC from April, 1963, to November 22, 1963, or to Oswald. We have made a careful review of these records requested by Mr. Hoch and have concluded that the substance of the material in these items is already available to the public. We think also that disclosure of them to Mr. Hoch would be contrary to the public interest. We believe compelling reasons exist for invoking the exemption provided in the Freedom of Information Act and for denying Mr. Hoch's request for these records since the items involved are contained in investigatory files compiled for law enforcement purposes.

The New Orleans file 97-74 contains eight items concerning Oswald in the period in question, and one copy of each is enclosed for your information as follows:

(a) Memorandum of Special Agent Stephen M. Callender to Special Agent in Charge, New Orleans, dated August 9, 1963;

(b) Complaint Form dated August 16, 1963, submitted by Special Agent Morrison D. Diven;

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(c) New Orleans letter to Director, FBI, dated August 23, 1963;

(d) Memorandum of Special Agent John L. Quigley to Special Agent in Charge, New Orleans, dated August 27, 1963;

(e) Characterization of FPCC with indices search slip attached;

(f) A second characterization of FPCC;

(g) New Orleans report dated October 25, 1963, concerning FPCC made by Special Agent Warren C. DeBrueys. Mr. Hoch states in his letter that he already has this report;

(h) Undated letter addressed to Mr. Lee signed "Lee H. Oswald."

You will observe that these items contain administrative notations placed thereon by personnel of our New Orleans Office. Furnishing these items to Mr. Hoch can serve no purpose and can only provoke further inquiry from him.

You will note that the New Orleans report of October 25, 1963, covers information developed in the investigation of Oswald based upon his activities for the FPCC in August, 1963, and following. This report was furnished to the Warren Commission (CD 1114) and is presently available to the public in the National Archives. The memoranda, the Complaint Form, the letter to Bureau Headquarters, and the characterizations were items leading to the report or incorporated in it. The last item, Oswald's undated letter to Lee, is also available to the public, published in full by the Warren Commission in Volume XX, pages 518-521, of the Hearings material.

In summary, of these eight items, two are already available to the public, one being the report which was prepared to cover all information developed in the investigation of Oswald, including the information in the six items which are not available to the public. It is the recommendation of this Bureau that Mr. Hoch's request for these items be denied.

Enclosures - 51

NOTE: See memorandum Branigan-Sullivan, same caption, dated 6/30/70, prepared by TNG:mkl. - 5 -