

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

DATE: December 11, 1969

TO : J. Edgar Hoover
Director
Federal Bureau of Investigation

FROM : Richard G. Kleindienst
Deputy Attorney General *R.G.K.*

SUBJECT: Request under the Freedom of Information Act for Records Possibly Contained in the Files of the Federal Bureau of Investigation.

attached

The enclosed file relates to a request by Mr. Paul L. Hoch under the Freedom of Information Act, 5 U.S.C. § 552, for access to records possibly contained in the files of the Federal Bureau of Investigation. Specifically, Mr. Hoch seeks to obtain copies of the first page of each of four items alleged to be in the Bureau's "1A exhibit envelope pertaining to Lee Harvey Oswald." This Office would appreciate your assistance in the handling of the request.

The initial question of course is whether there are items fitting Mr. Hoch's description. He assumes that such items do exist for the reason that there is a handbill headed "Hands off Cuba" bearing the notation "1A5", which he claims refers to the fifth item in the "1A" envelope. He reasons that if there is an item "1A5", there must also be items "1A1" through "1A4". We understand that this may or may not be the case.

Assuming that the requested records exist, a determination must be made as to whether they shall be made available. The Freedom of Information Act requires the disclosure of official records not falling within the Act's exemptions. Where a record is covered by one of the exemptions, the agency is exempted from the Act's disclosure requirement and it may lawfully refuse to make the record available. In such a case, however, the agency remains free to disclose the document in the exercise of its discretion. Nothing in the Act requires that a record falling within an exemption be withheld.

*Memo Branigan-Sullivan
Jng: mrs 12/15/69
dit to Deputy Atty (enc 8)
Jng: mrs 12/16/69*

EXP. PROC.

~~DEC 13 1969~~

12-12-31-69

*1 cc held 818 940
ENCLOSURE Jng*

REC-77 EX-117

105-82555-5671

DEC 31 1969

COPY MADE FOR _____

CRIME RESEARCH

Since a denial of a request for official records creates the possibility of a law suit against the agency which may result in a judicial interpretation adversely affecting the Government as a whole, we believe that requests for arguably exempt records should be granted unless there is a compelling reason for non-disclosure. Accordingly, we shall make the records available (assuming they exist) if you find no compelling considerations dictating that the records be withheld. Should this be your conclusion, please furnish us with the copies sought by Mr. Hoch in order that they may be transmitted to him. If, on the other hand, you find that disclosure would be contrary to the public interest, we will deny the request as involving items contained in "investigatory files compiled for law enforcement purposes" which are exempted from the Act's compulsory disclosure requirements by 5 U.S.C. § 552(b)(7).