

NOV 15 1972

Assistant General Counsel - LR

Correspondence with Mr. Weisberg

Archivist of the United States - N

Pursuant to your memorandum of October 27, we have reviewed both of your proposed responses to Mr. Weisberg's "request" for access to copies of the Secret Service transmittal letters involving copies of the so-called "memorandum of transfer" of the Kennedy autopsy material.

It is the opinion of this office that either the release or retention of these transmittal letters is legally supportable, the latter based on the exemption cited at 5 U.S.C. 552(b)(5). From a legal standpoint, we are willing to concur on the alternative you select as a matter of policy.

Inherently, this office has no objection to the release of the contents of the Secret Service letters. The only problem we anticipate is subsequent requests for other documents referenced in the transmittal letters, access to which might be a stickier problem.

Should you decide to withhold the letters, we would change the second sentence of your draft response to read: ". . . as inter-agency letters which would not be available by law to a private party in litigation with the agency."

(signed) David C. Fisher, Jr.  
ROBERT J. YOCK  
Assistant General Counsel

cc:  
Official File - LR  
L  
LL  
LS  
LC  
LR(2)

LR:SGarfinkel: jp 11/14/72