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General Counsel - L

Appeal under the Freedom of Information Act

Assistant Administrator for Administration - B

Pursuant to an administrative appeal of Mr. Harold Weisberg dated January 5, 1973, for access to copies of previously denied records under the Freedom of Information Act (attachment A), Mr. Marion Johnson of the National Archives and Mr. Steven Garfinkel of this office met with the Freedom of Information Committee of the Department of Justice on February 16. The participants at that meeting agreed that Mr. Weisberg's appeal be decided in the following manner:

1) that the so-called "memorandum of transfer" of the material relating to the autopsy of President Kennedy be withheld pursuant to subsection (b)(6) of title 5, United States Code, "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy . . .";

2) that the letter of November 13, 1970, from Assistant Director of the Secret Service Thomas J. Kelley to the Archivist, be withheld pursuant to subsection (b)(5) of title 5, United States Code, "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency . . ." (attachment B);

3) that copies of the letters from Mr. Kelley to the Archivist dated March 6, 1970, and December 14, 1970, and General Counsel Mankin's letter to Mr. Kelley dated December 10, 1970, be released to the requester.

If you agree, we have prepared a letter to Mr. Weisberg for your signature reflecting this decision.

(SIGNED) *for* William W. Barth

WILLIAM E. CASSELMAN II  
General Counsel

cc: Official File - LR

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LR:SGarfinkel:jmj

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*James B. Rhoades*  
ALI

GENERAL SERVICES ADMINISTRATION  
ROUTING SLIP

TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME/TITLE						CORRESPONDENCE SYMBOL					
1.	<i>Marion Johnson</i>										
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<input type="checkbox"/> ALLOTMENT SYMBOL <input type="checkbox"/> APPROVAL <input type="checkbox"/> AS REQUESTED <input type="checkbox"/> CONCURRENCE <input type="checkbox"/> CORRECTION <input type="checkbox"/> FILING <input type="checkbox"/> FULL REPORT			<input type="checkbox"/> HANDLE DIRECT <input type="checkbox"/> IMMEDIATE ACTION <input type="checkbox"/> INITIALS <input type="checkbox"/> NECESSARY ACTION <input type="checkbox"/> NOTE AND RETURN <input type="checkbox"/> PER OUR CONVERSATION <input type="checkbox"/> PER TELEPHONE CONVERSATION			<input type="checkbox"/> READ AND DESTROY <input type="checkbox"/> RECOMMENDATION <input type="checkbox"/> SEE ME <input type="checkbox"/> SIGNATURE <input type="checkbox"/> YOUR COMMENT <input type="checkbox"/> YOUR INFORMATION					
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____											
REMARKS											
<p><i>Should I copy in this memo &amp; letter?</i></p> <p><i>Yes.</i></p> <p><i>mmg</i></p>											
FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME/TITLE						CORR. SYMBOL			BUILDING, ROOM, ETC.		
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						TELEPHONE			DATE		

*2/23/73*

ROUTING AND TRANSMITTAL SLIP		ACTION
1 TO (Name, office symbol or location)  N	INITIALS	CIRCULATE
	DATE	COORDINATION
2  ALI	INITIALS	FILE
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3  LS	INITIALS	NOTE AND RETURN
	DATE	PER CONVERSATION
4  L	INITIALS	SEE ME
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REMARKS		
Do NOT use this form as a RECORD of approvals, concurrences, disapprovals, clearances, and similar actions.		
FROM (Name, office symbol or location)  ROBERT J. YOCK		DATE
		PHONE 4947

OPTIONAL FORM 41  
AUGUST 1967  
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