

## MEMORANDUM

June 10, 1997

To: David G. Marwell  
T. Jeremy Gunn

From: Ronald G. Haron

Subject: Review of FOIA Files at the Department of Justice  
(Office of Information and Privacy)

### A. Introduction

On May 15 and 16, 1997, I reviewed the FOIA files of the Department of Justice (Office of Information and Privacy) at their offices at 13th & G Streets, N.W. These FOIA files were identified by the Office of Information and Privacy ("OIP") as relating to requests for materials on the Kennedy assassination. OIP has preliminarily determined that these files should not be designated as assassination records. The purpose of our review was to determine whether there is any basis for revisiting OIP's determination. In addition, OIP (Melanie Pustay) has asked for the Review Board's position on these files.

Based on my review, I see no reason to designate these records as assassination-related. The files consist of routine correspondence to and from the FOIA requester and internal notes of the FOIA person handling the request.

I have inventoried these FOIA files, as you had requested, and a description of these files is set forth below (they are listed by FOIA requester and number). The FOIA files fall into two categories: (1) files for initial FOIA requests directed only to the "leadership offices" of the Department of Justice ("DOJ") and (2) administrative appeal files, which relate to appeals from all DOJ components. Set forth below is a summary of these FOIA files.

### B. Administrative Appeal Files

1. James Giglio (No. 90-1307). Requester asked for O&C material relating to John F. Kennedy and Robert F. Kennedy, as well as documents in the Roselli and Giancana files of the FBI. OIP released 39 pages subject to certain FOIA exemptions.
2. James Lesar (No. 91-1190). Lesar requested FBI records on Carlos Marcello, including a request for Mexico City Legat records. The FBI would neither confirm nor deny the existence of the requested Legat records. Lesar's appeal was denied. Internal notes disclose that an index card was located indicating that a certain file, presumably relating to Marcello, was destroyed. OIP upheld the refusal to confirm or deny the existence of records re Marcello activities in Mexico. We should request a copy of this FOIA file from DOJ so that we may follow-up with the FBI in obtaining any relevant Legat records. There is a possibility that some information from this file should in the future be designated as an assassination record.
3. James J. Waters, II (No. 94-1679). Request directed to U.S. Marshals Service ("USMS") for a listing of all records pertaining to the JFK investigation by Jim Garrison. Initially, the USMS denied the FOIA request on the grounds that no such records could be located in the USMS office in New Orleans. OIP sustained the USMS position on appeal.
4. Anthony Logallo (No. 93-1768). Requester asked for the first 93 pages of the Warren Commission Report. OIP rejected the appeal, saying that the FBI had complied with request.
5. Jake Shepard (No. 93-1252). Requester appealed the withholding of Warren Commission Document No. 1012 (June 3, 1964 Memo from R. Helms to L. Rankin re: the DeMohrenschildts). OIP ruled that the request should be directed to the CIA.
6. Woody Voinche (No. 95-1957). Requester sought a film of the Kennedy assassination allegedly taken by a Beverly Oliver who appeared on the NBC program LEEZA on October 31, 1994. The initial request was directed to the FBI, and the FBI referred it to NARA. NARA did not respond. OIP said they had no jurisdiction over appeals from NARA.
7. Albert Cunniff (No. 91-1260). Requester sought from the FBI a "photo of Oswald" that was listed in the index of JFK papers in the FBI reading room. The FBI denied the request, but identified the document as the "34th not recorded serial after serial 50 in FBI file 105-82555." OIP denied the appeal on the grounds that the document was classified. This file is the FBI's Headquarters file on Lee Harvey Oswald, which is in the JFK Collection; we should verify that this photograph has now been released with the file in the JFK Collection. There is a possibility that some information from

this file should in the future be designated as an assassination record.

8. Lawrence W. Lee, Jr. (No. 93-0122). The initial requester sought from the FBI a number of miscellaneous items on the assassination: Oswald's autopsy report; the "operative report" and autopsy report on Tippit; the autopsy report on Ruby; the Oct. 31, 1966 memorandum of the Attorney General ordering assassination-related evidence to be transferred to NARA; the CIA file re Ruby's visit to Trafficante in Cuba (the requester believed that the file no. was 150-59); a police dictabelt recording; films taken by Thomas Akins, Charles Bronson, and Orville nix; the FBI Summary Report dated Dec. 9, 1963; and the FBI Supplemental Report dated Jan. 13, 1964.

Requester appealed the determination that the FBI could not locate the Dec. 9, 1963 and Jan. 13, 1964 FBI reports. OIP upheld the FBI response, but later the reports were located and made available to the requester.

9. John R. Woods II (No. 91-1710)

Requester sought from the FBI color photographs taken by the Royal Canadian Mounted Police (Warren Commission Document 729a). Appeal of requester was denied under the law enforcement exemption to FOIA.

### C. Initial Request Files

1. Michael Harrison (No. 92-R0325). This Colorado state prisoner sought from the Office of Legislative Affairs several basic items involving the JFK assassination, including the Warren Commission Report, hearings and exhibits; the HSCA Report, hearings, and appendices; and the autopsy reports of FBI agents Sibert and O'Neill. The requester was referred to NARA and the JFK Library.

2. Paul Roy, Jr. (No.92-R0303). Requester sought the Attorney General Clark Report, and "press kit," released on January 16, 1969. The requester was referred to NARA and the LBJ Library.

3. Roger Feinman (No. 94-RO283). This requester sought documents regarding the Ramsey Clark investigation of the assassination, including any re-evaluation of the Warren Commission findings, reexamination of the autopsy, and the Fisher/Moritz or Clark Panel examining the autopsy photos. The requester also identified as potentially relevant the DOJ records from that time period, including

those of of Warren Christopher, Harland Leathers, Mitchell Rogovin, Fred Vinson, Barefoot Sanders, Bruce Bromley, Frank Wozencraft, Carl Eardley, and others.

Some records were released, and the requester was also referred to NARA for other records. In addition, the Criminal Division and the Office of Legal Counsel were being separately tasked.

There were some documents in this file, and these were presumably made available to the requester. They were: (1) the "1968 Panel Review of Photographs, X-Ray Films, Documents, and Other Evidence Pertaining to the Fatal Wounding of President JFK on November 22, 1963 in Dallas, Texas," signed in the Spring of 1968 by Drs. Carnes, Fisher, Morgan, and Moritz; (2) the 1967 Statement of Humes, Boswell, and Finck; and (3) the Nov. 23, 1966 Statement of Hoover.

4. Jim Lesar (No. 91-R0417). Requester sought the telephone logs and message slips for Robert F. Kennedy, but no records were located.
5. David C. Heyman (Represented by John A. Mintz of Gibson, Dunn & Crutcher) (No. 91-R0306). The requester, Mr. Heyman, is the author of *A Woman Named Jackie: An Intimate Biography of Jacqueline Bouvier Kennedy Onassis*, and is working on a biography of Robert F. Kennedy. He sought a whole set of papers of RFK on various subjects. An internal note by DOJ confirms what DOJ has been telling the Review Board -- "we maintained no old retired files & we have nothing on B. Kennedy." The requester was so advised.
6. Michael J. Levy (No. 92-R368). Requester sought DOJ's records regarding the HSCA Report prepared by Clifford Fenton. DOJ responded that it had no responsive documents, and the requester was referred to NARA and the JFK Library.
7. Mark Allen (No. 94-R0060). Requester sought the Attorney General's records on Sam Giancana, Johnny Roselli, Joe Adonis, Michael Spinella, and Paul "Skinny" D'Amato. DOJ's response was that it had no responsive records with the Attorney General, but the requester was advised he could go to other DOJ components.
8. Mark Allen (No. 91-R0211). Requester sought records relating to the HSCA investigation. One Attorney General document was located and made available. It was an April 29, 1976 letter from Edward Kennedy to Attorney General Levi re whether the FBI was conducting an investigation into the deaths of seven "Cuban leaders."
9. Patricia Lambert (No. 94-R0352). The requester stated she is working on a book on the

Kennedy assassination, and she requested materials regarding a statement (and subsequent retraction) by Ramsey Clark regarding whether the United States had investigated Clay Shaw (aka Clay Bertrand). She sought any DOJ documents re Clay Shaw, Jim Garrison, or Mr. Wegmann. OIP released certain documents, mostly news articles, being processed under the JFK Act.

10. Randolph Robertson (No. 94-R055). Requester simply sought any materials made available to FOIA requester Roger Feinman (No. 94-R0283).

11. Tyler Rojas (No. 95-R0173). This high school student asked for "information on if anyone might have known that President Kennedy would be assassinated." The requester was advised about the JFK Act and was referred to NARA.

12. Charith Saranapala (No.97-R0125). This requester (from England) simply asked for all materials on the JFK Assassination . The requester was advised about the JFK Act and referred to NARA.

13. Richard Sullins (No. 93-R0620). Requester sought DOJ materials regarding DOJ's response to the HSCA recommendations. Certain documents were provided to the requester, and the requester was also referred to NARA. (The documents provided appear to be from DOJ file 129-11 or FBI file 62-117290).