CONFIDENTIAL

1 March 1977

MEMORANDUM FOR: Appeals Coordinator, Information Processing Staff/DDA

THROUGH : DDO/Information Review Officer

SUBJECT : FOIA Appeal--Robert Sibley (F 76-455)

REFERENCES : A. Initial Request Letter, 19 July 1976.
B. Initial Response, 17 September 1976.
C. Appeal Letter, 21 September 1976.

1. Summary: The DDO concurs in the position of the DDA/Office of Finance/FOIO that Subject's FOIA appeal be denied in toto (Tab C). In view of the fact that the Office of Finance is the office of record and repository for the documents concerned, we recommend that the response action for this appeal be transferred from the DDO to the DDA.

2. Background:

a. On 19 July 1976 Robert Sibley, a Washington, DC journalist, requested "the complete travel records of the Chief of the covert activities section in the Domestic Operations Division of the CIA from January 1, 1963 - December 31, 1963." He stated that according to his records E. Howard Hunt occupied that position during the requested period. If, however, his information was incorrect, he requested the 1963 travel records of both the chief of the section and E. Howard Hunt (Reference A).

b. IPS referred the request to the DDO for action. It was determined during the initial review that E. Howard Hunt was indeed an employee of the DDO/ Domestic Operations Division in 1963. It was further

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determined that the only "travel records" maintained by the Agency on E. Howard Hunt were those on file in the DDA/Office of Finance. The Office of Finance at that time prepared--subject to DDO concurrence--suggested sanitizations of eleven (11) travel vouchers for possible release to requester. (The vouchers represent 11 trips made by E. Howard Hunt in 1963, all from Washington, DC, to New York City and return. The 11 vouchers concerned are 118-63, 134-63, 151-63, 170-63, 186-63, 219-63, 15-64, 55-64, 97-64, 121-64 and 150-64. See Tab D for full text copies.) The DDO, however, considered these records nonreleasable and recommended denial in toto under exemptions (b)(1), (b)(2), (b)(3), and (b)(6) of FOIA. We also noted that our principal reasons for denial were, first, that release of the records would violate Hunt's privacy and, second, that once all the operational and organizational data had been removed from the records, the remainder would be useless to the requester. Subject was so advised by IPS letter of 17 September 1976 (Reference B).

c. Subject appealed our response on 21 September 1976, countering our two principal reasons for denial with the arguments that since Hunt was travelling on official Government business using public monies, release of this information could hardly be considered an invasion of Hunt's personal privacy. Concerning the second point, Subject maintained that he is the only judge of what would be useful to him (Reference C).

d. During the appeals review, the DDO rechecked with DDA/Office of Finance/FOIO (Mr. Hubert N. Lacey) concerning the Office of Finance's current position on the releasability of Hunt's travel records. Upon reconsideration, the Office of Finance withdrew its previous recommendation for release of sanitized versions and suggested that the documents

be denied inasmuch as they represent an accounting for expenditures on the certificate of the Director under Section 8b of the CIA Act of 1949, as amended, and therefore are specifically exempt from disclosure by statute--exemption (b)(3) of FOIA. (See Tab C). The Office of Finance conducted a classification review of the documents in February 1977 and downgraded them from Secret to Confidential.

3. Recommendations:

a. Since the DDA/Office of Finance is the office of record for the documents concerned, we recommend that responsibility for the appeal response be transferred to the DDA.

b. We concur with the Office of Finance's classification review and with its citation of exemption (b)(3) for denial in toto of the requested documents. We recommend, however, that exemptions (b)(1), (b)(2), and (b)(6) also be claimed. Justification for these exemptions is still valid notwithstanding Subject's arguments to the contrary. Subject's point concerning Hunt's privacy is well-taken and should not have been cited as a principal reason for denial in our initial response letter of 17 September 1976. Exemption (b)(6), however, was claimed at that time to also protect the privacy of Hunt's operational contacts who were listed on the vouchers. Both exemptions (b)(3) and (b)(6) apply then and now to these individuals.

c. By noting in our initial response that sanitized versions of the documents would be useless to the requester (our second principal reason for denial), the implication was made that segregable versions could be released, however meaningless. This position was not upheld in our appeal review. We concur with the Office of Finance's stand that the requested records are in the class of documents which are specifically exempt from disclosure by statute and therefore should be denied in toto.

4. For the record but not for release to requester: In his initial request of 19 July 1976, Sibley requested the 1963 travel records for both E. Howard Hunt and "the Chief of the covert activities section" of DO Division if Hunt was not himself the chief of that section. We neither confirmed nor denied Hunt's position in our initial response nor did we comment on the position of "the Chief of the covert activities section in the Domestic Operations Division," since Agency functions and official titles are exempt under (b)(3). (By the phrasing of his request, Subject could, of course, have assumed that our response of 17 September 1976 was tacit acknowledgement that Hunt was "the Chief of the covert activities section.") During the appeal review it was determined from a 1963 Domestic Operations Division organization chart that DO Division had at that time a position entitled "Assistant for CA Activities" (DO/OPCA) which was vacant. Under the responsibility of DO/OPCA was the Research and Publications Branch of which E. Howard Hunt was the Chief. The foregoing is for record purposes only. No reference to this aspect of Sibley's initial request should be made in the Agency's appeal response to Sibley.

Doris F. LeBaron
DDO Appeals Officer

Attachments:
Tab A = References
Tab B = DDA/OF/FOIO Memo to DDA/IPS, 5 Aug 76
Tab C = DDA/OF/FOIO Memo to DDA/IPS, 16 Feb 77
Tab D = Full Text Copies of 11 Documents Involved (Hunt's 1963 travel records)

COORDINATION:

		DATE
C/FR/Plans	Robert J. Baker	2 March 1977
DC/CCS/PRG	[illegible]	1 March 1977