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Clarence M. Kelley
Director
Federal Bureau of Investigation
Attention: Special Agent Allen McCreight

27 JAN 1976

Leon Ulman
Deputy Assistant Attorney General
Office of Legal Counsel

Ezra Pound Papers

As you know, the Department has had under consideration for some time, the question of the proper disposition of personal papers taken by the FBI from the late Ezra Pound in Italy in 1945 following his arrest. As we understand it, the Bureau makes no claim to or interest in those papers as such. The Administrator of the Pound Estate, John B. Jones, Jr., Esquire, has requested that the papers be delivered to him in his fiduciary capacity. While there are some rather complex problems associated with the Pound Estate relating to the handling of this matter, we have studied these questions in consultation with the Civil Division and have arrived at what we believe to be an appropriate resolution, entailing a minimal burden for all concerned and providing adequate legal protection to the Bureau and the Department.

It is our recommendation that the Bureau release to Mr. Jones in his capacity as Administrator of the Pound Estate, under appointment from the probate court of New Haven, Connecticut, all documentary material held by the Bureau and taken by its agents in May, 1945 from Mr. Pound's residence in Rapallo, Italy, or from other places in which he had stored such material. In that connection Mr. Jones will deliver to us releases and hold harmless agreements running to the United States and any of its officers or employees from himself as Administrator, Mary De Rachewiltz, Omar Pound (executed in both his individual capacity and in his capacity as Executor of the Estate of Dorothy Pound), and from Yale

University, and in addition, a statement signed by Olga Rudge before a notary which authorizes such release of the material. Mr. Jones will also provide to the Bureau a receipt for the delivered material signed in his capacity as Administrator. We will then transmit a letter to the probate court of New Haven, Connecticut, advising the court of the delivery of the material and enclosing a copy of the receipt.

While this action will resolve Mr. Jones' request for the material taken from Mr. Pound, Mr. Jones has additionally asserted a proprietary and/or copyright interest in any other material written by Mr. Pound which the Bureau obtained from other sources and presently holds, including confessions or statements made by Mr. Pound after his arrest, but these materials will not be presently returned. Mr. Jones has proposed a method for resolving this claim, but does not wish to proceed until he has obtained agreement to his proposal from each of the interested parties. Accordingly, this matter must be left in abeyance pending a more definite proposal from Mr. Jones.

Finally, as you are aware, Mr. Jones has expressed concern as to the status, under the Freedom of Information Act of all material in the Bureau's investigatory files on Mr. Pound (excluding the personal papers referred to above). This concern focuses primarily on the question of the privacy interests of the members of the Pound family and other persons mentioned in the files. We find no legal basis for treating the contents of the Pound investigatory files differently than any other Bureau investigatory files. Accordingly, the Bureau should proceed with its consideration of FOI requests for any records in the Pound files not encompassed by Mr. Jones' proprietary or copyright claims, giving due regard to the privacy interests of the individuals involved.

We would appreciate your advice as to whether the above is satisfactory.