

August 28, 1998

The President  
The White House  
Washington, D.C.

Dear Mr. President:

I have the honor of enclosing herein a copy of "The Assassination Records Review Board Response to the August 3, 1998, Petition for Postponement by the Federal Bureau of Investigation." The Bureau is appealing the Review Board's formal determinations to release information in three records under the *President John F. Kennedy Records Collection Act of 1992*, 44 U.S.C. § 2107 (Supp. V 1994).

**We believe that the FBI's prior disclosures of these records without regard to the privacy interests that the Bureau is now attempting to protect show that the public interest warrants disclosure of this information.**

We would be pleased to provide you and the White House staff with any additional information that you require.

Sincerely,

Laura Denk, Esq.  
Executive Director

Enclosure

cc: The Hon. Eric H. Holder, Jr.  
The Deputy Attorney General  
United States Department of Justice  
Washington, D.C.

The Hon. Louis J. Freeh  
The Director  
The Federal Bureau of Investigation  
Washington, D.C.

**THE ASSASSINATION RECORDS REVIEW BOARD  
RESPONSE TO THE AUGUST 3, 1998, PETITION FOR POSTPONEMENT  
BY THE FEDERAL BUREAU OF INVESTIGATION**

**August 28, 1996**

**Laura A. Denk, Esq.  
Executive Director**

**Kevin G. Tiernan  
Chief Analyst for FBI Records**

**THE ASSASSINATION RECORDS REVIEW BOARD  
RESPONSE TO THE AUGUST 3, 1998, PETITION FOR POSTPONEMENT  
BY THE FEDERAL BUREAU OF INVESTIGATION**

**TABLE of CONTENTS**

- I. DESCRIPTION of the RECORDS at ISSUE
- II. BACKGROUND
  - A. FBI's pre-assassination file on Mark Lane.
  - B. Mark Lane's role in the Warren Commission investigation of the assassination of President Kennedy.
  - C. FBI prepares appealed records for dissemination to Government agencies.
  - D. FBI disseminates appealed records to Warren Commission.
  - E. FBI disseminates appealed records to White House.
  - F. FBI disseminates appealed records to New York State Bar Association.
- III. DISCUSSION
  - A. Standard for Disclosure of Information Under the JFK Act.
  - B. The public interest in release of the records concerning Mr. Lane is extremely high.
    - 1. The JFK Act was created precisely to inform the public of the type of abuses of government power that are revealed by the appealed records.
    - 2. Release of the photograph and list of instructions is necessary if Mr. Lane chooses to dispute the authenticity of the material and is an important component in understanding the extent to which the FBI was willing to slander its critics.
  - C. Mr. Lane's privacy interests have already been invaded, and given the FBI's demonstrated disregard for Mr. Lane's privacy interests, the FBI's moralistic arguments in favor of protecting Mr. Lane now are disingenuous.
    - 1. The FBI invaded Mark Lane's privacy in the records at issue when it

acquired, distributed and retained the records in its efforts to discredit Mr. Lane.

2. Since most of the story has been available to the public for over twenty years, Mr. Lane and the two women who were involved have little privacy remaining to protect.

D. In a balancing test, a small invasion of privacy would be outweighed by such a large public interest.

#### IV. CONCLUSION

**THE ASSASSINATION RECORDS REVIEW BOARD RESPONSE TO  
THE AUGUST 3, 1998, PETITION FOR POSTPONEMENT BY  
THE FEDERAL BUREAU OF INVESTIGATION**

By its Petition for Postponement dated August 3, 1998 (“August 3 Petition”), the Federal Bureau of Investigation is appealing the determinations of the Assassination Records Review Board (“the Review Board”) to release four assassination records that are all identified under one record identification number.<sup>1</sup>

The FBI invokes personal privacy as the basis for postponing these records. Part I below describes the records at issue. Part II below provides the historical background to place the records in context. Part III below explains why the JFK Act requires release of these records.

**I. DESCRIPTION of the RECORDS at ISSUE**

The records at issue can be described as follows:

<b>Ex.</b>	<b>RIF Number</b>	<b>Description</b>
1	124-10320-10228	Queens County, New York, District Attorney’s Office’s transcript of an unsigned and unnotarized witness statement by Phyllis Denise Golden dated February 1962.
2	124-10320-10228	Queens County, New York, District Attorney’s Office’s transcript of an unsigned and unnotarized witness statement by Elizabeth Lee Stephenson dated January 30, 1962.
3	124-10320-10228	Legal-size, handwritten, document that appears to be a list of instructions for performing painful acts to a man’s genitals. The document contains no names or dates. The FBI claims that this record was created by Mark Lane.
4	124-10320-10228	Front-view photograph of a nude man with dark hair and glasses, lying down. One of the man’s arms is behind his back. What appears to be the hand of another person is touching the man’s genitals. The FBI claims that the man depicted in the photograph is Mark Lane.

---

<sup>1</sup>In making the appealed determinations, the Review Board acted pursuant to the authority granted by the *President John F. Kennedy Assassination Records Collection Act*, 44 U.S.C. § 2107 (Supp. V 1994) (“JFK Act”).

## II. BACKGROUND

Mark Lane describes himself as “an author, lawyer, teacher, lecturer, and filmmaker”<sup>2</sup> and his book *Rush to Judgment* is perhaps the most well-known critique of the Warren Commission Report. In addition, Mr. Lane is known to the public as a former New York State legislator and civil rights activist.

### A. FBI’s pre-assassination file on Mark Lane.

The FBI began to collect information on Mr. Lane in 1954 because the Bureau identified Mr. Lane as a risk to national security due to his political participation in groups that the FBI had identified as being involved with the Communist Party. For example, Mr. Lane was a member of the National Lawyers Guild, and often gave speeches at meetings of groups such as the Emma Lazarus Federation of Jewish Women’s Clubs, the Emergency Civil Liberties Committee, and the Chicago Committee to Defend the Bill of Rights. Mr. Lane worked to abolish the House of Representatives Committee on Un-American Activities, and was arrested in Mississippi as a member of a group of “Freedom Riders.”

In 1962, when the FBI was conducting a routine background investigation on a woman who applied to become a member of the Peace Corps, the woman revealed that she had a sexual relationship with Mr. Lane.<sup>3</sup> On its own initiative, the FBI delved into Mr. Lane’s personal life and learned that the Queens County, New York, District Attorney’s Office had conducted a sodomy investigation of Mr. Lane and that the District Attorney had collected certain records regarding Mr. Lane in the course of its investigation. Even though the Queens County District Attorney had determined that Mr. Lane had not committed any crime,<sup>4</sup> the FBI took steps to obtain the material from the District Attorney in February 1963. The material that the FBI obtained from the Queens County District Attorney consists of the four appealed records.

The FBI files show that the Bureau did not disseminate the private information regarding Mr. Lane to anyone outside the FBI prior to the assassination of President Kennedy.

### B. Mark Lane’s role in the Warren Commission investigation of the assassination of President Kennedy.

---

<sup>2</sup>Mark Lane, *Plausible Denial*, from book jacket (1991).

<sup>3</sup>See Assassination Record Number 124-10320-10184.

<sup>4</sup>See Assassination Record Number 124-10320-10101, attached as Exhibit 5. **[Kevin, please take a stab at describing the story of how Lane promised and failed to pay the debt and how the witnesses came to tell their story to the DA. Also tell how they recanted the story.]**

On November 29, 1963, one week after President Kennedy was killed in Dallas, and five days after Jack Ruby shot alleged assassin Lee Harvey Oswald, President Johnson established the President's Commission to Investigate the Assassination of President Kennedy (the "Warren Commission"). The FBI assisted the Warren Commission in its investigation.<sup>5</sup>

Several weeks later, on January 15, 1964, Mr. Lane appeared at a press conference with Marguerite Oswald, the mother of Lee Harvey Oswald. At that time, Mr. Lane and Mrs. Oswald announced that Mr. Lane would represent Lee Harvey Oswald's interests before the Warren Commission. In that capacity, Mr. Lane had extensive contact with the Commission, and often publicly criticized the Warren Commission's work and findings.

Mr. Lane's status as Lee Harvey Oswald's primary advocate in the months immediately following the assassination makes him a key player in the Warren Commission's history. But more key to the Warren Commission history is the account of how the government of the United States treated Mr. Lane while he was acting in his capacity as the official representative of the deceased Lee Harvey Oswald.

#### **C. FBI prepares appealed records for dissemination to Governmental agencies.**

Prior to January 15, 1964, the FBI's "Mark Lane" file contained approximately 20 documents. On that day, immediately following Marguerite Oswald's and Mark Lane's announcement, the FBI's New York field office immediately distributed copies of the photograph to FBI headquarters and to the Dallas field office.<sup>6</sup>

Once the material from the Queens County District Attorney's Office found its way to FBI headquarters, Director Hoover immediately requested additional material from New York, for the specific purpose of potential dissemination to "Governmental agencies outside the Bureau" who might be interested in Mr. Lane.<sup>7</sup> Moreover, the sodomy investigation became part of the FBI's dossier on Mr. Lane, and the Bureau made reference to it and to the four records at issue in nearly every record it created concerning Mr. Lane.<sup>8</sup>

#### **D. FBI disseminates appealed records to Warren Commission.**

---

<sup>5</sup>President's Commission on the Assassination of President John F. Kennedy, 1964 Report xiii.

<sup>6</sup>See Assassination Record Number 124-10320-10180, attached as Exhibit 6.

<sup>7</sup>See Assassination Record Number 124-10320-10181, attached as Exhibit 7.

<sup>8</sup>**String cite to documents that mention the incident.**

FBI records show that Director J. Edgar Hoover sent the four records to the Chief Counsel of the Warren Commission, J. Lee Rankin<sup>9</sup> and to Commission member Gerald Ford.<sup>10</sup> In no instance did the Bureau inform Mr. Lane that these allegations were being disseminated to the very people before whom he was attempting to represent the interests of the accused.

In 1975, Tom Boggs, son of Hale Boggs, who was also a member of the Commission, told a Washington newspaper that his late father had given him copies of the FBI's dossiers on the Warren Commission's critics to store for safekeeping.<sup>11</sup> Tom Boggs reported that a compromising photograph and accompanying materials were part of the dossier on one prominent Warren Commission critic. He also specifically mentioned that he possessed a dossier on Mark Lane. According to his son, Hale Boggs felt that Director Hoover had disseminated the information so that members of the Warren Commission would know not to take Mr. Lane seriously.<sup>12</sup>

**E. FBI disseminates appealed records to White House.**

---

<sup>9</sup>See Assassination Record Numbers 124-10016-10098 and -10099 (FBI file number 105-82555-2nd NR 1441), attached as Exhibit 8.

<sup>10</sup>See Assassination Record Number 180-10120-10013 (letter with enclosure from Cartha DeLoach to Gerald Ford dated Feb. 14, 1964), attached as Exhibit 9.

<sup>11</sup>*Boggs' Son Tells of Files on Warren Panel*, Washington Star-News, January 31, 1975, at A4, attached as Exhibit 10.

<sup>12</sup>*Id.*

Director Hoover also provided the four appealed records to President Johnson.<sup>13</sup> An FBI memorandum, written in 1966, is entitled *Rush to Judgment*, and was apparently created by the Bureau in response to a request from the White House that the FBI provide to the White House whatever information it had collected on prominent Warren Commission critics. The memorandum summarizes Mr. Lane's political and personal activities. It describes Mr. Lane as "an attorney" who "has a long history of affiliation with Communist Party front groups and organizations which have been cited as subversive."<sup>14</sup> The memorandum reports how Mr. Lane, among other things, (1) worked to abolish the House of Representatives Un-American Activities Committee, (2) criticized American policies in Vietnam, (3) was arrested in Mississippi as a member of a group of "Freedom Riders," and (4) worked to arrange for an independent inquiry into the assassination of President Kennedy. The most important paragraph of the 1966 memorandum for purposes of the instant appeal is the last paragraph, in which the FBI states,

The Office of the District Attorney, Queens County, New York, conducted an investigation of Lane in 1962 for alleged sodomy. In connection with this investigation, statements were taken from two women by the District Attorney's Office which related to obscene activities on the part of Lane. An obscene photograph of Lane and handwritten instructions by Lane relating to alleged perverted sexual acts of a sadistic and masochistic nature performed by the women on the person of Lane were also obtained during this investigation. Copies of these statements and a copy of the photograph and the handwritten instructions are attached hereto as enclosures.<sup>15</sup>

FBI records show that this memorandum became the boilerplate memorandum for the majority of future FBI documentation on Mr. Lane.

**F. FBI disseminates material to the New York State Bar Association.**

**LD still needs to write this section.**

---

<sup>13</sup>See Assassination Record Number 157-10011-10132 (FBI Letter with enclosures to Marvin Watson dated Nov. 8, 1966), attached as Exhibit 11.

<sup>14</sup>The 1966 memorandum is attached as Exhibit 1, and is identified by its record identification number \_\_\_\_-\_\_\_\_-\_\_\_\_.

<sup>15</sup>All four of the appealed records, and a transmittal letter, appeared in and were processed by the Presidential Library of Lyndon Baines Johnson. The records and envelopes in which the records have been stored bear Assassination Record Numbers 177-10002-10183, 177-10002-10187, 177-10002-10188, 177-10002-10189, 177-10002-10190, 177-10002-10191, 177-10002-10192, 177-10002-10193, and 177-10002-10195.

### III. DISCUSSION

In defense of its desired postponements, the Bureau offers three basic arguments: *first*, the FBI argues that public disclosure of the records would invade the privacy of three individuals, *second*, the FBI argues that public disclosure of the records would cause obscene material to be publicly available; and *third*, the FBI argues that the public has no legitimate interest in the release of the records, as they have “no relevance whatsoever” to the assassination or the Review Board’s responsibilities.

Underlying each of the Bureau’s three points is their statement that, “sexual activity among consenting adults is one of the most private of human relationships and . . . any intrusion into sexual intimacies by the government . . . is warranted only under the most compelling of circumstances.” August 3 Petition at 4.

In making these arguments, the Bureau omits the important fact that, in the mid-1960s, Director J. Edgar Hoover instructed that these scurrilous allegations about Mr. Lane be communicated to at least four different entities: the Warren Commission, the White House, and the New York Bar Association, as explained in the background section above.

The Review Board does not dispute the shocking nature of the photograph, the list of instructions, and the witness statements. But while the existence of these materials is shocking, the Review Board is far more shocked at the evidence showing that the FBI obtained, maintained, and distributed these materials. The Review Board believes that the full scope of governmental efforts to discredit Warren Commission critics should be disclosed to the public.

#### A. Standard for Disclosure of Information Under the JFK Act.

According to the JFK Act, “all Government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure.” JFK Act § 2(a)(2). Indeed, “only in the rarest cases is there any legitimate need for continued protection of such records.” JFK Act § 2(a)(7). To the extent that an agency, such as the FBI, seeks to postpone the release of information, the JFK Act places the burden of proving the need for postponement on the agency. Congress required agencies to submit to the Board “clear and convincing evidence” in support of their proposed postponements. JFK Act §§ 6, 9(c)(1). Congress carefully selected this high standard because “less exacting standards, such as substantial evidence or a preponderance of the evidence, were not consistent with the legislation’s stated goal” of prompt and full release of information. H.R. Rep. No. 625, 102d Cong., 2d Sess., pt. 1, at 25 (1992).

Section 6(3) of the JFK Act directly addresses privacy postponements and explains that agencies must provide “clear and convincing evidence” that

the public disclosure of the assassination record could reasonably be expected to

constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest.

The FBI has not proved that the public interest in disclosure of the records at issue is outweighed by the invasion of privacy.

**B. The public interest in release of the records concerning Mr. Lane is extremely high.**

The FBI argues that release of the four records at issue have “no relevance whatsoever” to President Kennedy’s assassination *or to the responsibilities of the Review Board*. In making these arguments, the FBI demonstrates a fundamental lack of understanding of *both* Mr. Lane’s role in the assassination investigation and the Review Board’s mandate.

Through a selective presentation of the facts -- the FBI makes no reference whatsoever to Mr. Lane’s status as Lee Harvey Oswald’s advocate before the Warren Commission *or to Director Hoover’s dissemination of these materials around Washington* -- the FBI represents that Mr. Lane was simply a critic of the FBI and of the assassination investigation. Mark Lane was, of course, one of the first and one of the most credible critics of the assassination investigation. Moreover, the FBI files on Mr. Lane reveal that, whether or not the FBI of the 1990s fully understands Mr. Lane’s relevance to the assassination story, the FBI of the 1960s absolutely understood how damaging his criticism could be. One would hope that, in order to justify the distribution of the four records at issue, the FBI of the 1960s must have believed that Mr. Lane’s criticism of the assassination investigation was endangering the national security. In fact, Director Hoover’s use of this information against one prominent critic was part of a larger pattern of intolerance to criticism that may have colored the entire assassination investigation. *See* section III. C. below.

Finally and most obviously, the materials beg the following question: By distributing these particular materials to the Warren Commission, was Director Hoover attempting to undermine a serious inquiry as to whether Lee Harvey Oswald was the true and only assassin of President Kennedy? Whatever the answer to that question, the FBI’s campaign against Mr. Lane is probative as to whether the FBI and the Warren Commission considered alternative theories. This question leads to a discussion of why the release of the materials at issue are squarely within the Review Board’s responsibilities.

**1. The JFK Act was created precisely to inform the public of the type of abuses of government power that are revealed by the appealed records.**

Congress charged the Review Board with the onerous duty of “restoring the public’s confidence” that the government has released all of its materials relevant to the events

surrounding the assassination.<sup>16</sup> Unfortunately, when the public thinks of government officials who may have orchestrated a cover-up with regard to the “true” assassin, J. Edgar Hoover nearly always comes to mind. Thus, *no matter how distasteful the Review Board finds the appealed materials*, the Board recognizes that release of these materials is central to its mandate.

The FBI’s behavior with respect to Mr. Lane was clearly intrusive and outrageous. Public disclosure of the records would be warranted by the simple argument that disclosure of these specific records, and the public outrage that may accompany such a disclosure, may prevent the FBI from collecting and disseminating intimate personal information about American citizens. is warranted for no other government abuses of the types of outrageous and intrusive manner in which the FBI of the 1960s dealt with its critics warrants public disclosure of the records.

**2. Release of the photograph and list of instructions is necessary if Mr. Lane chooses to dispute the authenticity of the material and is an important component in understanding the extent to which the FBI was willing to slander its critics.**

It is entirely possible that the photograph and the list of instructions are not what the witness statements purport them to be. The Review Board believes that Mr. Lane is entitled to dispute the authenticity of the photograph and of the list of instructions. Without release of all four of the appealed documents, Mr. Lane will not have an opportunity to dispute the facts that the FBI has already used to smear his reputation. The person in the photograph may not even be Mr. Lane, and even if it is Mr. Lane, he may not have been a voluntary participant in the event.

Further, without the witness statements from the two women involved, the photograph and the list of instructions are meaningless, thus release of the witness statements is critical to understanding the story. The witness statements provide the only context by which the Bureau could have judged the authenticity of these materials and Mr. Lane’s FBI file contains no evidence that the FBI attempted to determine whether the witnesses were credible individuals. Instead, what the FBI file does reveal is that the witnesses were motivated by a desire to have Mr. Lane provide money to them, and that they later recanted their statements. The Review Board believes that release of the materials would allow Mr. Lane an opportunity to challenge the authenticity of this material and clear his name, in the event that the FBI recklessly disseminated information about him that is very possibly not true.

Finally, although the Bureau is currently arguing that release of the textual story about Mr. Lane is sufficient, the Review Board believes that text cannot adequately describe the photograph. Director Hoover obviously also believed that the photograph, list of instructions, and witness statements were important elements in his campaign to smear Mr. Lane’s reputation. Without the records at issue, Director Hoover’s campaign to discredit Mark Lane would have had little teeth. Thus, in order to fully understand the FBI’s actions, the Review Board believes that

---

<sup>16</sup>**Cite to Legislative History about restoring public confidence.**

the four appealed records -- including the photograph -- must be released.

**C. Mr. Lane's privacy interests have already been invaded, and given the FBI's demonstrated disregard for Mr. Lane's privacy interests, the FBI's moralistic arguments in favor of protecting Mr. Lane now are disingenuous.**

J. Edgar Hoover's files on the personal lives of government officials and public figures are well-documented.<sup>17</sup> The appealed records are already a part of that history.<sup>18</sup> When the existence of the appealed records within the FBI files came to light in the mid-1970s, FBI Director Clarence Kelley suggested that some of the [Warren Commission] critics were "demagogues" for accusing the FBI of infringing on individual privacy. Kelley defended the FBI's practice of maintaining files of unsubstantiated allegations about American citizens, and said,

*The people of this nation must be alert to opportunistic grandstanding and demagoguery on the issue of privacy.*<sup>19</sup>

**1. The FBI invaded Mark Lane's privacy in the records at issue when it acquired, distributed and retained the records in its efforts to discredit Mr. Lane.**

An examination of the background section above and the records that the Review Board is attaching as exhibits to that section makes clear that *the FBI, not the Review Board*, invaded Mr. Lane's privacy.

*First*, the FBI took steps to acquire the photograph, the list of instructions and the witness statements even though the Review Board cannot understand how those materials might have been relevant to the FBI's security investigation of Mr. Lane. The FBI *never maintained* a criminal file on Mr. Lane -- only a security file. Mr. Lane's political activities and his involvements with groups that the FBI believed to be Communist Party front groups are, indeed,

---

<sup>17</sup>Director Hoover's habit of collecting and selectively disseminating intimate personal information about public figures is a matter of great concern to the public. In 1975, three years after Director Hoover's death, then Attorney General Edward Levi testified that J. Edgar Hoover "did keep secret files about Congressmen, Government officials and other citizens, that he did disseminate derogatory information, and that Presidents of both parties did misuse the Bureau." New York Times Editorial, *Files and Whispers*, New York Times, December 2, 1975. **[LD will add stuff Sarah and Marie provided as string cite.]**

<sup>18</sup>*Boggs' Son Tells of Files on Warren Panel*, Washington Star-News, January 31, 1975, at A4, attached as Exhibit 10.

<sup>19</sup>*Id.*

the type of material that the FBI collected in security investigations. But, the Review Board simply does not understand how Mr. Lane's sexual preferences or habits are relevant to the national security of the United States.

*Second*, the evidence clearly proves that, in its attempts to discredit Mr. Lane, the FBI itself previously distributed to people outside of the FBI the same records, including the photograph, that it now opposes releasing on privacy grounds. Although the FBI did consult Mr. Lane when it was preparing its appeal on the four appealed records, it did not consult Mr. Lane at the time that it disseminated the appealed records to the Warren Commission, the White House, and the New York Bar Association.

The primary reason that the Review Board voted to release the records at issue is that the FBI's invasion of Mr. Lane's privacy in its effort to discredit Mr. Lane was so egregious. The FBI's totalitarian tactics in this instance reveal a profound disregard for the privacy of American citizens. Despite its previous disregard for Mr. Lane's interest in not having these materials disseminated, the FBI now moralistically argues that release of the records would cause embarrassment to Mr. Lane. In fact, it is the FBI that will be embarrassed if the materials are released.

The FBI's previous actions with respect to these materials did not take into account the likelihood that Mr. Lane would be "humiliated and embarrassed." Rather, its previous dissemination of the material caused Mr. Lane to be humiliated without his knowledge. Given that the FBI has already caused harm to Mr. Lane with its distribution of the records at issue, its moralistic arguments serve only the Bureau's interest in protecting the Bureau itself from humiliation and embarrassment. The JFK Act's legislative history expressly prohibits postponement of assassination records for the sole purpose of avoiding embarrassment to the agencies.<sup>20</sup>

**2. Since most of the story has been available to the public for over twenty years, Mr. Lane and the two women who were involved have little privacy remaining to protect.**

The FBI has already released to the public most of the information regarding the Queens County District Attorney's investigation. Thus, whatever privacy interest Mr. Lane had in keeping the story secret has already been lost.

*Kevin, if you have a chance, do you want to look through the open NARA docs and explain briefly how the story is already public? The Boggs article will also help.*

---

<sup>20</sup>**cite to legislative history sections that prohibit protection to avoid embarrassment to agencies.**

*Also, if Lane made statements re: privacy, let's include those here.*

**D. In a balancing test, a small invasion of privacy would be outweighed by such a large public interest.**

Given that the JFK Act presumes disclosure of all assassination records, the Review Board cannot vote to postpone a record unless it believes that the potential invasion of personal privacy outweighs the public interest in release. JFK Act, § 6(3). The Review Board does not believe that the facts warrant postponement of the four records at issue. These four records are arguably among the most revealing records in the FBI's assassination records as to how the Bureau handled its relationship with the Warren Commission and its critics. And, the FBI has already so thoroughly invaded the privacy of the individuals involved that the privacy interests remaining, while present, are not enough to outweigh the public interest in release.

**IV. CONCLUSION**

The Assassination Records Review Board respectfully requests that the President uphold the Board's formal determinations and release the information that the public, and the individuals referenced in these records, have a right to know.