

September 4, 1996

The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20510

Re: JFK Assassination Records Review Board Compliance with the Freedom of Information Act for 1995

Dear Mr. Gore:

In accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (1988), I am writing to inform you of the Assassination Records Review Board's FOIA activity for the 1995 calendar year.

On June 30, 1995, the Review Board proposed its FOIA regulations. "Rules Implementing the Freedom of Information Act," Notice of Proposed Rulemaking, 60 F.R. 34,193 (June 30, 1995). After the notice and comment period, the Review Board published its final FOIA regulations on August 31, 1996. "Rules Implementing the Freedom of Information Act," Final Rulemaking, 60 F.R. 45,338 (August 31, 1995) (to be codified at 36 CFR Part 1410). In addition, the Review Board issued its Statement of Organization, Functions, and Authority Delegations, as required by the FOIA, on October 3, 1995. "Freedom of Information Act Statement of Organization, Functions, and Authority Delegations," 60 F.R. 51,733 (October 3, 1995). I enclose copies of the proposed rules, the final rules, and the statement with this report.

During the 1995 calendar year, the Review Board denied three requests for Review Board records because the records requested consisted of intra-agency memoranda and letters that reflected the deliberative process of Review Board staff and thus were exempt from release under 5 U.S.C. § 552(b)(5). Laura Denk, the Review Board's FOIA Officer, and Thomas Samoluk, the Review Board's Associate Director for Communications, were the individuals responsible for these initial denials. These individuals reviewed the records to determine whether they were appropriate for discretionary disclosure, but decided that the documents should be withheld from disclosure until the Review Board's termination in October, 1997. The Review Board informed each FOIA requester that all Review Board records will be sent to the JFK Collection at the Archives upon the Review Board's termination in October, 1997. Our enabling statute provides that, "[u]pon termination and winding up, the Review Board shall transfer all of its records to the Archivist for inclusion in the

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[President John F. Kennedy Assassination Records] Collection, and no record of the Review Board shall be destroyed." *President John F. Kennedy Assassination Records Collection Act of 1992*, 44 U.S.C. § 2701.7(o)(3) (Supp. V 1994).

The Review Board received one administrative appeal under the FOIA in 1995. As Executive Director, I was responsible for the denial of the appeal. After reviewing the documents at issue, I determined that the documents did reflect the deliberative process of the Review Board's staff and, thus, were exempt from release under 5 U.S.C. § 552(b)(5).

If you require any additional information, please do not hesitate to contact our offices.

Sincerely,

David G. Marwell
Executive Director

Enclosures