

February 21, 1997

The Honorable Newt Gingrich
Speaker of the House of Representatives
Washington, D.C. 20515

Re: JFK Assassination Records Review Board Compliance with the Freedom of
Information Act for 1996

Dear Mr. Speaker:

In accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I am writing to inform you of the Assassination Records Review Board's (Review Board) FOIA activity for the 1996 calendar year.

During the 1996 calendar year, the Review Board received four FOIA requests.¹ The Review Board denied in part 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). In addition, the Review Board denied in part one request for Review Board records because the records requested consisted of information compiled for law enforcement purposes, production of which may have interfered with enforcement proceedings. Thus, the records were exempt from release under 5 U.S.C. § 552(b)(7)(A). Laura Denk, the Review Board's FOIA Officer, was the individual responsible for these initial denials. Ms. Denk 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 scheduled for 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 [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).

¹We received two of the four requests in late December, 1996, and responded in early January, 1997.

The Review Board received one administrative appeal under the FOIA in 1996. As Executive Director, I was responsible for the denial of the appeal. After reviewing the withheld documents at issue, I determined that the documents were, indeed, exempt from release under 5 U.S.C. § 552(b)(5), because they did reflect the deliberative process of the Review Board's staff.

The Review Board did not publish any changes to its FOIA rules in 1996. The Review Board did not collect any fees from requesters in 1996.

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

Sincerely,

David G. Marwell
Executive Director