

January 7, 1997

Bill Adams
P.O. Box 24945
San Jose, California 95154

Re: Freedom of Information Act Request for Records Pertaining to the
Assassination Records Review Board's Interview with James P. Hosty

Dear Mr. Adams:

This letter responds to your December 16, 1996, correspondence in which you requested "all records pertaining to the planning, execution, and review of the [Assassination Records Review Board (Review Board)]'s interview of former FBI Agent James P. Hosty" under the Freedom of Information Act at 5 U.S.C. § 552 (FOIA).

The Review Board located 106 Review Board records responsive to your request. Enclosed you will find 62 of those documents which we are releasing. We have redacted only home addresses, phone numbers, and social security numbers of individuals. Our release of such information would constitute a clearly unwarranted invasion of personal privacy. Although we could withhold other portions of this material pursuant to FOIA Exemption 5, 5 U.S.C. § 552(b)(5), we have determined in this instance that these documents are appropriate for discretionary disclosure.

At the present time, we must withhold 34 documents and 10 audiotapes because they are intra-agency memoranda exempt from release under FOIA Exemption 5, 5 U.S.C. § 552(b)(5).¹ The documents and tapes that we have withheld reflect the deliberative process engaged in by Review Board staff members who prepared materials for the interview and are now following up after Mr. Hosty's interview.

As you know, *all* Review Board records ultimately will be sent to the JFK Collection at the Archives upon our termination. 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.

¹The 34 documents withheld are primarily working papers of Review Board staff members. They include handwritten notes that Review Board staff members took during the interview, draft outlines, draft chronologies, drafts of suggested questions, and "to do" lists.

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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).

Thus, while members of the public may file FOIA requests with the Review Board during the term of its existence, the public should also be aware of the opportunity to examine and obtain copies of the Review Board’s records as a part of the JFK Records Collection at the National Archives and Records Administration.

Section 10.0 of your letter is entitled, “Confidentiality of Request.” In that section, you state that you consider your FOIA request “confidential and not for disclosure outside [the Review Board] without [your] express written permission.” If we receive a request for Review Board records to which your letters to the Review Board are responsive, the FOIA requires us to process your letters in the same way that we process all other responsive documents.

If you consider this letter to be a denial of your request under the Freedom of Information Act, you have the right to appeal our determination within 30 days. Appeals should be addressed to David Marwell, Executive Director, Assassination Records Review Board, 600 E Street, N.W., 2nd Floor, Washington, D.C. 20530.

Sincerely,

Laura Denk
Designated Freedom of Information Act Officer

Enclosures