

September 26, 1995

Donald Carpenter
P.O. Box 292642
Nashville, Tennessee 37229-2642

Re: Cynthia Wegmann Documents

Dear Mr. Carpenter:

This letter responds to your correspondence that we received in our office on August 30, 1995, in which you requested information on documents that Cynthia Wegmann turned over to the Assassination Records Review Board (Review Board) for inclusion in the JFK Collection at the National Archives.

The Freedom of Information Act (FOIA), 5 U.S.C. § 552, requires Federal agencies to make agency records available to the public, pursuant to its provisions. Agency records are those records that an agency possesses and controls. The Wegmann documents are not Review Board records as defined by the Review Board FOIA regulations, which state in relevant part,

Review Board record is a record in the possession and control of the Review Board that is associated with Review Board business.
Review Board records do not include:

(3) Records delivered to the Review Board for transfer to the JFK Collection at the National Archives and Records Administration (NARA).

Rules Implementing the Freedom of Information Act § 1410.10(a), 60 Fed. Reg. 45,338, 45,340 (1995) (to be codified at 36 C.F.R. § 1410). Because of the Review Board's unique mandate, it may at any given time take temporary possession of assassination records that private individuals donate to the JFK Collection at the National Archives. For such records, the Review Board is acting as a conduit between the donor and the National Archives, which has legal title on behalf of the United States. Thus, the Wegmann documents you requested are not Review Board records subject to FOIA requests.

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The Wegmann documents are now being processed by the National Archives for inclusion in the JFK Collection. We hope that the records will be fully available to the public within the next four months. Once the Wegmann records become available, you may contact Steve Tilley, Chief, JFK Assassination Collection, National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740-6001. His telephone number is (301) 713-6620.

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, Esq.
Freedom of Information Act Officer

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