

Assassination Records Review Board

600 E Street NW ■ Second Floor ■ Washington, DC 20530

July 24, 1995

James H. Lesar, Esq.
918 F Street, N.W., Room 509
Washington, D.C. 20004

Re: FOIA Request for Garrison Grand Jury Materials

Dear Mr. Lesar:

This responds to your July 13, 1995, Freedom of Information Act request for the records of the New Orleans Parish Grand Jury investigation into the assassination of President John F. Kennedy.

On July 12, 1995, the Review Board received an unsolicited shipment of records from New Orleans that appear to be transcripts of Grand Jury testimony related to District Attorney Jim Garrison's investigation of the assassination of President Kennedy. The Review Board has not, however, verified the authenticity of the documents it received. In addition, assuming the documents are authentic, there is currently a legal question regarding the legal ownership of these documents and a possible injunction of secrecy.

As you know, the Federal Freedom of Information Act permits access only to records maintained by agencies of the Federal Government. The statute ordinarily does not grant any right to records maintained by state or local agencies or courts. Because there may be a dispute regarding who properly may assert legal "control" of the documents, the Review Board may not be permitted to release them under the Freedom of Information Act.

Therefore, the question of ownership of the documents must be resolved before the Review Board can substantively respond to your Freedom of Information Act request. In addition, the records may include law enforcement information exempt under Exemption 7 of the Freedom of Information Act.

The Review Board is working to maintain and preserve these documents for the historical record. I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. The Review Board will, however, notify you 72 hours in advance of any release of custody of the records.

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July 24, 1995

Page Two

If you consider this response to be a denial of your request, you may appeal by writing to the Executive Director, Assassination Records Review Board, 600 E Street, N.W., Second Floor, Washington, D.C., 20530, within 30 days of your receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, which is also where the records you seek are currently located.

Sincerely,

Laura Denk, Esq.

Freedom of Information Act Officer

bcc: Rich Brown