

July 12, 1996

Mr. Richard J. Leighton
Keller and Heckman, L.L.P.
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001

Re: Freedom of Information Act Request for Documents and Other Records Relating to Richard J. Whalen

Dear Mr. Leighton:

This is in response to your letter of June 24, 1996, requesting "all documents and other records relating to [your] client, Richard J. Whalen, that are in the possession and control of the Assassination Records Review Board."

A search of our paper and electronic files has resulted in the retrieval of a number of documents which are responsive to your request.¹ Enclosed you will find those documents that we are releasing in full. We are withholding the remaining three documents because we have found them to be intra-agency memoranda and letters exempt from release under 5 U.S.C. § 552(b)(5). These materials reflect the deliberative process engaged in by Review Board staff.

In addition, as a courtesy to Mr. Whalen, the Review Board is providing you a copy of the Richard Whalen materials from the John F. Kennedy Presidential Library currently in the possession of the Board, even though this material is not subject to Freedom of Information Act or Privacy Act requests. *See*, Assassination Records Review Board Rules Implementing the Freedom of Information Act, 60 Fed. Reg. 45,338, 45,340 (1995) (to be codified at 36 C.F.R. § 1410.10) ((a) *Review Board record* is a record in the possession and control of the Review Board that is associated

¹These documents include: (1) five pages of handwritten notes by Review Board staff members; (2) one inter-agency memorandum; (3) three internal memoranda; and (4) four pieces of correspondence, all with attachments. The Review Board is releasing to you all of these documents except the three internal memoranda.

Richard J. Leighton

July 12, 1996

Page 2

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)).

With respect to material we have withheld 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
Freedom of Information Act Officer

Enclosures

Richard J. Leighton

July 12, 1996

Page 3

e:\wp-docs\foia\whalen.rsp

File: 3.2.?