

December 8, 1995

Mr. Joseph Backes  
9 Kaine Terrace  
Albany, New York 12208-1215

Dear Mr. Backes:

This is in response to your December 6, 1995 letter, which was faxed to the Assassination Records Review Board's offices.

First, the response to our special initiative on original photographs and films has been minimal. Interested citizens have written or called to offer suggestions about films which they believe exist and should be in the JFK Collection, but we have received no leads which were not already known to the Review Board. However, this will be an ongoing effort by the Board to acquire original films and photographs.

Second, Anne Buttimer left the Review Board staff on November 30, 1995 for other employment. Her position will be filled when an appropriate replacement is found. Investigator David Montague is the proper contact for matters related to photographic evidence.

Third, the correct date of Mr. Jeremy Gunn's meeting with the General Counsel at the Pentagon, which involved a general discussion about compliance with the JFK Act, was October 25, 1995, not November 1, 1995, as I had mistakenly written in an earlier letter. You are not receiving the documents which you requested relative to this meeting. The Review Board is withholding the documents from public release at this time because the documents are inter-agency or intra-agency memoranda and letters exempt from release under the *Freedom of Information Act*, 5 U.S.C. § 552(b)(5) (FOIA). These materials reflect the deliberative process engaged in by Review Board staff. In addition, certain of the materials are records compiled for enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. Therefore, the materials are exempt under the FOIA, 5 U.S.C. § 552(b)(7)(A). As I am sure you can appreciate, we are engaged in an inquiry to determine the location of additional records related to the assassination of President Kennedy. At the present time, we need to keep our strategy confidential,

although, as you know, all of our 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. 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) (1992).

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 Boards records as a part of the JFK Records Collection at the National Archives and Records Administration.

With respect to material we have withheld under the FOIA, 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.

Fourth, the documents relative to the November 13-14, 1995 closed meeting, which you requested, are enclosed.

Fifth, you are not receiving records relative to matters which involve New Orleans District Attorney Harry Connick and the Review Board. The Board is withholding the documents from public release at this time because the documents are inter-agency or intra-agency memoranda and letters exempt from release under the *Freedom of Information Act*, 5 U.S.C. § 552(b)(5) (FOIA). These materials reflect the deliberative process engaged in by Review Board staff. In addition, certain of the materials are records compiled for enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. Therefore, the materials are exempt under the FOIA, 5 U.S.C. § 552(b)(7)(A). Please see number three above for information on appealing this determination.

Sixth, information regarding the planning of the Texas trip can be sent to my attention. Please include specific references to the relevance of the information with regard to the existence and/or location of assassination records. The information will be carefully reviewed and a determination will be made if a meeting is necessary.

Seventh, it is possible that there will be another experts conference, but one has not been scheduled at this time.

Eighth, no other public hearings have been scheduled at this time.

Ninth, you should have received the notice for the December meeting which indicates that it will be closed for the purpose of records review.

Tenth, our discussions with the Government Printing Office about printing Review Board materials are ongoing.

Sincerely,

Thomas E. Samoluk, Esq.  
Associate Director for Communications

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