

## Assassination Records Review Board

600 E Street NW ▪ 2nd Floor ▪ Washington, DC 20530

July 11, 1995

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

Dear Mr. Backes:

This is in response to the (44) pages that you have faxed to the Review Board offices during the last (45) hours in (5) separate transmissions: These fax transmissions include the following:

7/25/95	2:52 p.m.	(3) pages
7/26/95	2:07 a.m.	(3) pages
7/26/95	8:47 p.m.	(27) pages
7/27/95	11:48 a.m.	(3) pages
7/27/95	11:54 a.m.	(4) pages

First, the Board has not received a videotape from "the reporter from WDSU-TV." The Board bought a videotape of the WDSU-TV coverage of the Garrison records story from a company called Radio TV Reports; (301) 656-4068. Under the Review Board's proposed Rules

Implementing the Freedom of Information Act, section 1410.10:

(a) Review Board records do not include:

(1) Publicly available books, periodicals, films, sound or video recordings, photographs or other publications (emphasis added.)

Thus, the Board is under no obligation to provide any videotapes which are readily available to the public, as is the WDSU-TV news coverage. I will note, as you have, that the Board has been very generous to date with copies of transcripts and other requests for documents; not having charged anyone for the cost of massive reproducing.

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Telephone: (202) 724-0088    ■    Facsimile: (202) 724-0457

Second, the status of the grand jury records sent to the Review Board is not resolved. They are not yet a part of the JFK Collection. At this time, they are locked in a secure place, in the possession of the Review Board, pending resolution of relevant legal issues. They are not available for disclosure right now.

Third, I am enclosing a set of the (16) CIA documents which the Review Board has released in their entirety, free of charge.

Fourth, your comments on the Review Board's Rules Implementing the Government in the Sunshine Act have been received and are included in the public comments file.

Fifth, with regard to the mailing of Federal Register notices, I am aware of

*Chairman Tunheim's comments at the October 11, 1994 hearing. All important information has continually been provided to individuals on our mailing list, with quick follow-up on specific requests for additional information, to the expressed satisfaction of the vast majority of interested parties. Given your ongoing dissatisfaction with the notification process, despite our genuine efforts to specifically accommodate you to the best of our ability, it seems useless for the Review Board staff to continue our unusual practice of faxing the Federal Register notices directly to your home, even before they are delivered to the Federal Register offices.*

*Sixth, your article on the Review Board hearing in New Orleans will be included in your correspondence file, which is publicly available. It will not be included as part of the official record of the hearing. There is no (30) day comment period for submissions to the record following the New Orleans hearing. The Chairman made no such announcement and there is no legal obligation to accept submissions.*

*Seventh, for the reasons cited above, your packet from New Orleans is included in your correspondence file, which is publicly available, but will not be a part of the official record of the hearing.*

*Sincerely,*

*Thomas E. Samoluk, Esq.  
Associate Director for Communications*

*enclosure*