

**NR\_key\_name:** E457C16B6869CDA18525628B0055637E  
**SendTo:** CN=Tom Samoluk/O=ARRB @ ARRB  
**CopyTo:**  
**DisplayBlindCopyTo:**  
**BlindCopyTo:**  
**From:** CN=Laura Denk/O=ARRB  
**DisplayFromDomain:**  
**DisplayDate:** 12/07/1995  
**DisplayDate\_Time:** 10:33:32 AM  
**ComposedDate:** 12/07/1995  
**ComposedDate\_Time:** 10:32:40 AM  
**Subject:** Backes Response

Tom - I have used the (b)(5) (deliberative process) exemption in withholding these types of materials before and I have copied some language from a previous letter that should work. Some of the material may fall under exemption 7(a) (release of material could interfere with pending law enforcement proceedings -- includes administrative law enforcement), but we would have to disclose the information as soon as the investigation ended. Before we send him an absolute no, we should make sure that all the material is, in fact, exempt.\*\*\*A search of Review Board files has resulted in the retrieval of certain documents which appear relevant to your request. The Review Board is withholding the documents from public release at this time because the documents are 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 law 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.\*\*\*

**Body:**  
**recstat:** Record  
**DeliveryPriority:** N  
**DeliveryReport:** B  
**ReturnReceipt:**  
**Categories:**