

May 3, 1996

Stewart F. Aly, Esq.  
Associate Deputy General Counsel  
Office of the General Counsel  
Department of Defense  
1600 Defense Pentagon  
Washington, DC 20301-1600

Re: Request for Evidence Pursuant to Postponements Requested in HSCA Records  
180-10110-10091, 180-10110-10075 and 180-10110-10129 Under 44 U.S.C. § 2107  
Section 6 (3)

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Dear Mr. Aly:

In your letters of January 30 and March 6, 1996, you requested postponements in the three referenced documents, either on privacy grounds or to protect the identities of intelligence agents.

Section 6 of the John F. Kennedy Assassination Records Collection Act (JFK Act) contains the specific standards that would permit your requested postponements to be sustained by our Board. (The standard differs markedly from FOIA.) In Section 11 of the JFK Act, Congress determined that the JFK Act takes precedence over other laws relating to the release of government records. The JFK Act also contains a strong presumption for release of assassination records. Records or parts of records that may otherwise be protected under the Privacy Act, therefore, might be released under the JFK Act. Under the JFK Act, our Board is obligated to release information unless there is "clear and convincing evidence" supporting its postponement.

Accordingly, we would very much appreciate your forwarding to us by 28 May, 1996, any evidence you possess that would support a postponement under Section 6 of the JFK Act. More specifically, we would need to receive evidence regarding such matters as whether the individuals whose names, addresses or phone numbers you wish to redact are still living, whether they reside at the same address, etc., as well as what kind of harm you believe would befall them if their names or other information about them were released. Without this specific evidence, it is unlikely that our Board would vote to uphold your agency's requested postponements when it takes up your requests at its meeting of June 4-5.

On a related matter, please be advised that Document 6 (HSCA Record Number 180-10110-10102) from your letter of March 6, 1996 was reviewed by the CIA and deemed not to contain equities from

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that agency. Accordingly, it was cleared for release by our Board at its meeting of March 18, 1996.

Lastly, we are still awaiting your response to my letter of February 8, 1996, relative to thirty-eight (38) unclassified referred documents from the files of the House Select Committee on Assassinations.

These records will also be reviewed by the Board at its early June meeting, and we must, therefore, ask that your response and evidence be made available to us by May 28. Any steps you can take to facilitate the processing of these records would be much appreciated.

Thank you for your cooperation.

Sincerely,

David G. Marwell  
Executive Director