

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

30 August 1983

James H. Lesar, Esquire  
Suite 900  
1000 Wilson Boulevard  
Arlington, VA 22209

Dear Mr. Lesar:

Re: Allen v. Dept. of Defense, et al.  
No. 81-2543 (D.D.C.)

This letter will confirm some of the details of our discussion on 4 August 1983 with your client in the office of Mr. Hart of the Department of Justice. Your client's FOIA request for CIA records of communications with the House Select Committee on Assassinations was the subject of the discussion. My purpose in requesting the meeting was to explain some of the problems posed by the request and to suggest some means by which the problems might be reduced to the benefit of your client in lower costs and a more rapid response.

Briefly, the records responsive to the FOIA request constitute a very significant volume of material estimated to be on the order of 200,000 pages. One of the first problems to be dealt with arises from the fact that most of the material was microfilmed for storage and the original versions of the documents returned to the records systems from which they have been retrieved. Microfilming for storage is a standard Agency practice to conserve archival storage space. With these records there seemed to be little reason to expect that the material would have to be prepared for public release since the Committee's final report was voluminous, detailed and comprehensive. Moreover, the Committee had directed that the collection was to be preserved and sealed. The microfilmed collection of the material is the only existing assemblage of the communications with the Committee. All of this is pertinent because the responsive records must first be converted to paper to make it possible to review the material to insure that portions are not exempt from release.

The cost of converting the microfilm records to readable paper copies is estimated to be about \$6,800. The CIA Information and Privacy Coordinator is not convinced that a waiver of the copying fees is justified with these records. Under those circumstances Agency regulations provide that copies of such material will be provided for actual direct cost, see 32 CFR 1900.25 (c) (7).

In addition to the significant cost of the work to be done, the task of reviewing the records for possible declassification and public release will be prodigious. The Agency officers qualified to do the necessary review are very few and they are already preoccupied with your client's other requests on the same general subject. Any estimate as to the time required could not be more than a guess, but from past experience it will likely take years. If there is some reasonable way to narrow your client's request it should benefit him in faster service at a lower cost.

With that objective in mind, I would like to ask that you consider stipulating certain categories of records out of your client's request. Specifically:

A. All record material originated with other U.S. government agencies. (Comment: Such records should be merely duplicates of records being dealt with by the other agencies since they have also been served with your client's other FOIA requests, particularly the FBI).

B. All CIA-originated material found in the files of other U.S. government agencies and referred to CIA for direct response to the requester. (Comment: This material should be duplicated by the material in the CIA collection. Dealing with the duplicate problems as described above in A. and B. will prove time consuming and not likely to produce anything other than redundant duplication).

C. All responsive material originated by the House Select Committee on Assassinations. (Comment: The District Court has already ruled that such material is beyond the reach of the FOIA in this case. Should you decide to accept that ruling without appeal the material could be eliminated now from the responsive documents. As a practical consideration it might be noted that the substance of most such records probably will be evident in the Agency's responses).

D. All material dealt with in earlier FOIA litigations, specifically in Fensterwald v. CIA and Hoch v. CIA. (Comment: The records (1650) were all those assembled by CIA as a result of its efforts to support the investigation of the assassination of President Kennedy, including the material sent to the Warren Commission. They include specifically, all records on Lee Harvey Oswald, Mrs. Marina Oswald, Jack Ruby, Sylvia Odio and Sylvia Duran. Reviewing these documents again might result in some material being released that had previously been withheld. Such additional releases, if any, are not likely to add materially to the substance of what has


already been made public since any such additional releases are likely only to reflect what has been put on the public record as a result of congressional hearings. It should also be noted that more than half of the bulk of CIA holdings on these subjects are FBI originated records).

E. Records concerning CIA employees, former and current. (Comment: Such records would normally be exempt in entirety pursuant to FOIA exemption (b) (3) based upon 50 U.S.C. 403g, which provides an absolute exclusion for such records).

Assuming you agree that it serves the interests of your client, as well as the Agency, to narrow the scope of your client's request, you may have some additional suggestions as to material that might be eliminated.

I look forward to your response to these proposals. Hopefully, we can arrive at a mutually satisfactory stipulation regarding this matter.

Sincerely,



Launie M. Ziebell  
Associate General Counsel

cc: Stephen Hart, Esq.  
Department of Justice