FOIA APPEAL

September 20, 1977

5885 Edenfield Rd., Apt. B-29
Jacksonville, Fla. 32211

Mr. Gene F. Wilson
CIA Information Review Committee
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Wilson:

Thank you for your letter of August 30, 1977, which denies my FOIA request and refuses to confirm or deny as a matter of national security the existence of records described in public documents and previously leaked to the press. I am grateful that at least you did not classify your letter to me and withhold it on national security grounds.

I appeal from this denial and request a little more information than is provided in your letter so that I may have some idea of just what is being denied to me.

You refer to my letter to the National Archives dated Dec. 7, 1976. Two requests in that letter were forwarded to the CIA, as I understand it; one related to CD 1359 (evidently not the subject of your letter to me), and the other to the intercepts at the Russian or Cuban embassy in Mexico City over which conversations of Lee Harvey Oswald were allegedly picked up. I asked for copies of the transcripts of those intercepts and any other relevant records (such as those concerning destruction of the tapes and transcripts). In addition, I later asked the Archives, only to have them send the request over to the CIA, whether the transcripts were ever sent to the Warren Commission, whether they are in any Commission files and if so which, and any records relating to the Commission's knowledge of the intercepts.

Since my request covered so many facets of these wiretapped telephone conversations, and since your letter does not ever mention the subject matter of my request, I really do not know what it is I am being denied.

I also request that the CIA be reasonable, in light of the public disclosure that has already taken place with regard to these wiretaps. For the major part of my request, the only possible reason for a denial is embarrassment at home, not damage to foreign relations.

Sincerely,
Howard Roffman

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

30 AUG 1977

Mr. Howard Roffman
1111 SW 16th Avenue
Apartment 156
Gainerville, FL 32601

Dear Mr. Roffman:

This is in response to your letter dated 7 December 1976 to the General Services Administration, National Archives and Records Service, Washington, D.C. Please refer also to our letter dated 17 January 1977.

Your request has been reviewed carefully and our determination is as follows:

> The fact of the existence or non-existence of the kind of records you request is currently properly classified pursuant to Executive Order 11652 and therefore is exempt from disclosure in accordance with exemption (b)(1) of the FOIA. By this answer we are neither confirming nor denying that such records exist. It is further determined that the fact of the existence or non-existence of the records also pertains to information relating to intelligence sources and methods which the Director of Central Intelligence has the responsibility to protect from unauthorized disclosure pursuant to 50 U.S.C. 403(d)(3) and is therefore exempt from disclosure in accordance with exemption (b)(3) of the FOIA. For your information, exemption (b)(1) applies to material which is properly classified pursuant to Section 1 of Executive Order 11652, and is exempt under Section 5(B) of the same Order; and, (b)(3) applies to the Director's statutory obligations to protect from disclosure intelligence sources and methods, as well as the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency, in accord with the National Security Act of 1947 and the CIA Act of 1949, respectively.

The Above decision was made by Mr. Charles A. Briggs, DDO Information Review Officer. As specified in the Freedom

of Information Act, you have the right to appeal this decision by addressing your appeal to the CIA Information Review Committee, via the undersigned.

We wish to apologize for the length of time it took to complete the processing of your request, but as we sought to explain to you some time ago we have been veritably inundated by a huge number of similar requests over the past several months. We could, accordingly, only do our best to apportion our time and efforts in a manner calculated to satisfy as many of our requesters as possible. We thank you for your patience and consideration.

Sincerely,

Gene F. Wilson
Information and Privacy Coordinator