

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

OGC-89-50182

17 January 1989

Office of General Counsel

Thomas H. Lesar, Esquire
111 4 Street, N.W.
Suite 509
Washington, D.C. 20004

Re: Assassination Archives and Research
Center v. CIA, C.A. No. 88-2600 GHR
(D.D.C. Dec. 21, 1988)

Dear Mr. Lesar:

I am writing to you on behalf of the Central Intelligence Agency (CIA) in connection with the above-referenced litigation. Pursuant to the Court Order dated December 21, 1988, we have completed our processing of documents responsive to your client's request.

As noted in the CIA's declaration filed with the Court on 3 September 1987, we are responding to item one of plaintiff's request--all CIA information on George Herbert Walker Bush which might reflect a relationship with him prior to his term as Director of the CIA--and the second part of item two--documents regarding the Kennedy assassination or its investigation that may have been sent to and reviewed by Mr. Bush while he was Director of Central Intelligence. The first part of item two--all records on the Kennedy assassination or its investigation which mention George Bush, to the extent that plaintiff's request seeks "all records" which mention George Bush--could not be searchable through CIA's indexing system, but rather, would require individual documents to be searched to determine if George Bush is mentioned. That would constitute research that we believe we are not obligated to undertake under the Freedom of Information Act.

This letter provides our determinations with respect to your client's request responsive to our search, as described above: two documents are released in full, 16 documents are released in part, and a number of documents are being withheld in their entirety. We have determined that those documents being withheld in their entirety must be denied pursuant to FOIA

exemptions (b)(1), (b)(3), and (b)(5). The basis for exempting the sanitized material from the 16 documents released in part are as follows:

<u>Document Number and Description</u>	<u>Exemption Basis</u>
1. 1-page note, dated 14 June 1976.	(b)(3)
3&4. 1-page Routing and Record Sheet, dated 9 July 1976, with attached 2-page memorandum dated 9 July 1976, with attached 1-page <u>Washington Star</u> article, dated 8 July 1976.	(b)(1), (b)(3)
5&8. Document 8: 1-page Official Routing Slip, dated 3 August 1976, with attachments: 8-page text, undated; 2-page chronology dated 2 July 1971-23 July 1972; 3-page General Chronology, dated January 1960-22 November 1963; 1-page UPI News Service, dated 2 August. Document 8: 2-page memorandum, dated 31 July 1976.	(b)(1), (b)(3)
6. 2-page memorandum, dated 2 August 1976, with attached 2-page article from "Midnight", dated 2 August 1976.	(b)(1), (b)(3)
9. 3-page memorandum, dated 6 October 1976, with attached <u>Washington Star</u> article, dated 1 October 1976.	(b)(1), (b)(3)
10. 1-page Outgoing Message, dated 1 October 1976.	(b)(1), (b)(3)
11&12. Doc. 12: 1-page note, dated 5 October 1976, with attached document 11. Doc 11: 1-page Official Routing Slip, dated 2 October 1976, with attached: 1-page <u>Washington Star</u> article, dated 1 October 1976; and article dated 1 October.	(b)(3)
14. 1-page memorandum, dated 15 September 1976.	(b)(3)
17. 5-page memorandum, dated 15 September 1976.	(b)(1), (b)(3) (b)(5)
18. 2-page memo with attached 2-page <u>Washington Post</u> article.	(b)(1), (b)(3) (b)(5)

16. 1-page Note, dated 15 September 1976. (b)(3)
- 18a. 2-page Washington Star article, dated 22 October 1976. (b)(3)
20. 2-page letter, dated 5 December 1976, with 2-page attachment. (b)(3)

The two documents released in full are document no. 18, transcript of an interview of George Bush dated 19 July 1976, and document no. 19, transcript of interview of George Bush on Meet the Press on 22 February 1976.

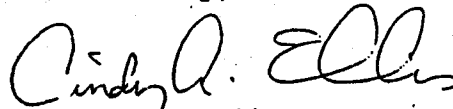
Exemption (b)(1) encompasses matters that are specifically authorized under criteria established by the appropriate Executive order to be kept secret in the interest of national defense or foreign policy and which are, in fact, currently and properly classified.

Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant statutes are subsection 102(d)(5) of the National Security Act of 1947, as amended, 50 U.S.C. §403(d)(3), which makes the Director of Central Intelligence responsible for protecting intelligence sources and methods from unauthorized disclosure and section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. §403g, which exempts from the disclosure requirement information pertaining to the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency.

Exemption (b)(5) pertains to information covered by common law privileges. In this instance, exemption (b)(5) is asserted for the deliberative process privilege.

Your patience in this matter is appreciated.

Sincerely,



Cindy A. Ellis
Attorney Advisor

Enclosures

cc: Nathan Dodell, Esquire (w/encs)
Assistant U.S. Attorney