

Long. Uffan
80

~~TOP SECRET~~

Serial: N 9347R

8 OCT 1976

TOP SECRET

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS)
ATTN: Lt. Col. Baker

SUBJECT: Freedom of Information Act Request (Kessler)

1. The attached letter representing a request by Mr. Ronald Kessler, under Title 5 U.S.C. 552 is hereby referred to your office with respect to the DoD originated documents, with inclosures, located in our records in response to Mr. Kessler's request.

2. We intend to inform Mr. Kessler of the existence of these documents and that we have referred these documents to your Office for further action by you pursuant to the Freedom of Information Act and DoD Directive 5400.7, Section V, Paragraph E.

Original Signed By

NORMAN BOARDMAN
Information Officer

2 Incls:

- 1. Ltr from Kessler dtd 7 Sep 76
- 2. DoD Documents

Copy Furnished:

Mr. Ronald Kessler (Less Incls)

cc: ESS/R (Less Incls)
 L221
 D4 PF
 D4 SP
 D6 (Less Incls)

Concur: D6

~~TOP SECRET~~
SC/DIR has seen

M/R: Referral approved by Lt Col Baker (DoD FOIA Unit) on 7 Oct 76

K. Miller, D4, 3083, 8 Oct 76, lf

Serial: N 9347R1

8 OCT 1976

Director
Federal Bureau of Investigation
Attn: FOIA Unit, Room 5278
9th & Pennsylvania Avenue
Washington, D. C.

Dear Sir:

The attached letter representing a request by Mr. Ronald Kessler, under Title 5 U.S.C. 552, is hereby referred to your Office with respect to the inclosed records which were originated by you and located in our records in response to Mr. Kessler's request.

We intend to inform Mr. Kessler of the existence of these records and that we have referred these records to your Office for further action by you pursuant to the Freedom of Information Act and DoD Directive 5400.7, Section V, Paragraph E.

Sincerely,

Original Signed By

NORMAN BOARDMAN
Information Officer

2 Incls:

1. Ltr from Kessler dtd 7 Sep 76
2. FBI Documents

Copy Furnished:

Mr. Ronald Kessler (Less Incls)

cc: ESS/R (Less Incls)
L221
D4 RF
D4 SF
D6 (Less Incls)

SC/DIR has seen

M/R: Referral approved by Mr. Shackelford (FBI FOIA Unit) 8 Oct

K. Miller, D4, 3083, 8 Oct 76, ITEMS CONTAIN

~~CONFIDENTIAL~~

is classified upon removal of the
in its areas and physical removal
of the covering sheet.

Serial: N 9347

13 OCT 1976

Mr. Ronald Kessler
c/o the Washington Post
1150 15th Street, N. W.
Washington, D. C. 20071

Dear Mr. Kessler:

This replies to your letter of 7 September 1976, in which you request copies of all material relating to Lee Harvey Oswald and the assassination of President John F. Kennedy. We have made a search which has located records which appear to fall within the scope of your request. In accordance with the provisions of Title 5 U.S.C. 552 as amended by Public Law 93-502, this Agency has reviewed these records and provides the following response to you.

Some of these records were originated by other components of the U.S. Government. These records have been referred to them pursuant to Department of Defense (DoD) Directive 5400.7, Section V, Paragraph E. Copies of our letters of referral are attached.

The remaining records were originated by this Agency. Certain of these records may be released to you and are attached as Inclosures 1 through 4. However, certain items have been deleted from these records in conformance with the requirements of Public Law 86-36. Section 6 of Public Law 86-36 provides that no law shall be construed to require disclosure of the organization or any function of the National Security Agency, or any information with respect to the activities thereof, or the names, titles, salaries, or number of the persons employed by such agency. Title 5 U.S.C. 552(b)(3) provides that information is exempted from public disclosure when any statute exempts such disclosure. The above items are therefore exempt under Title 5 U.S.C. 552 (b)(3) as they are exempted from public disclosure by Public Law 86-36.

Certain other of these records cannot be released to you for the following reasons:

We cannot provide you access to, or release copies of, these records because they are classified and therefore exempt from access or release pursuant to Title 5 U.S.C. 552 (b)(1). The records have been reviewed and are judged to be currently and properly classified in their entirety under criteria set forth in paragraph 2-303, DoD Regulation 5200.1-R,

J. F. Kennedy
Case

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which implements Executive Order 11552. The records are currently and properly classified within the categories provided in Chapter 1, Section 5 of DoD Regulation 5200.1-R and Section 1 of Executive Order 11652. Further they are properly excluded from automatic downgrading and declassification according to the exemption categories provided in Chapter Section 3 of DoD Regulation 5200.1-R and Section 5(b) of Executive Order 11652.

In addition, this Agency is precluded by law from providing information on specific results of its classified activities except to those persons authorized to receive such information. Title 5 U.S.C. 552(b)(3) exempts matters which are specifically protected from disclosure by statute. The appropriate statute in this case are: Title 18 U.S.C. 793; Title 50 U.S.C. 403; and Section 6 of Public Law 86-36. DoD Directive 5400.7, Sections III and VI.C.3., specifically recognizes this exemption. As this may be construed as a partial denial of your request, you are hereby advised of this Agency's appeals procedures, as follows:

Any person denied access to records may, within 30 days after notification of such denial, file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. Such appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority, National Security Agency, Fort George G. Meade, MD 20755. The appeal shall reference the initial denial of access issued by the Agency to the requester and shall contain in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS Appeal Authority shall respond to the appeal within 20 working days after receipt of the appeal.

Sincerely,

Original Signed By

NORMAN BOARDMAN
Information Officer

6 Incls:

1. Note dtd 21 Nov 75
2. Memorandum dtd 24 Nov 1975
3. Memorandum dtd 3 Dec 1975
4. Memorandum dtd 9 Dec 1975
5. Ltr of referral to DoD dtd 8 Oct 76
6. Ltr of referral to FBI dtd 8 Oct 76

Serial: N 9347

cc: ESS/R (Less Incls)
L221
D4 RF
D4 SF
D6 (Less Incls)

Concur: D6 J. Clinton Special Counsel has seen

K. Miller, D4, 3083, 8 Oct 76, lf

Serial: N 9347A

7 DEC 1976

Mr. Ronald Kessler
c/o the Washington Post
1150 15th Street, N. W.
Washington, D. C. 20071

Dear Mr. Kessler:

This is further to my reply of 13 October 1976 to your letter of 7 September 1976, in which you request copies of all material relating to Lee Harvey Oswald and the assassination of President John F. Kennedy. We have received the two letters referred to in paragraphs b.(1) and (2) of the Office of the Assistant Secretary of Defense letter of 16 November 1976 to you. In accordance with the provisions of Title 5 U.S.C. 552 as amended by Public Law 93-502, this Agency has reviewed these letters and provides the following response to you.

The subject letters may be released to you and are attached as inclosures 1 and 2. However, certain items have been deleted from these letters in conformance with the requirements of Public Law 96-36. Section 6 of Public Law 96-36 provides that no law shall be construed to require disclosure of the organization or any function of the National Security Agency, or any information with respect to the activities thereof, or the names, titles, salaries, or number of the persons employed by such agency. Title 5 U.S.C. 552 (b)(3) provides that information is exempted from public disclosure when any statute exempts such disclosure. The above items are therefore exempt under Title 5 U.S.C. 552 (b)(3) as they are exempted from public disclosure by Public Law 96-36.

Certain other deletions have been made because the information is classified and therefore exempt from access or release pursuant to Title 5 U.S.C. 552(b)(1). The information has been reviewed and is judged to be currently and properly classified under criteria set forth in paragraph 2-303, DoD Regulation 5200.1-R, which implements Executive Order 11652. The information is currently and properly classified within the categories provided in Chapter 1, Section 5 of DoD Regulation 5200.1-R and Section 1 of Executive Order 11652. Further it is properly excluded from automatic downgrading and declassification according to the exemption categories provided in Chapter 3, Section 3 of DoD Regulation 5200.1-R and Section 5(B) of Executive Order 11652.

Handwritten notes:
4 17 1976
OK
[Signature]

Serial: N 9347A

In addition, this Agency is precluded by law from providing information on specific results of its classified activities except to those persons authorized to receive such information. Title 5 U.S.C. 552(b)(3) exempts matters which are specifically protected from disclosure by statute. The appropriate statutes in this case are: Title 18 U.S.C. 793; Title 50 U.S.C. 403; and Section 6 of Public Law 86-36. DoD Directive 5400.7, Sections III and VI.C.3., specifically recognizes this exemption. As this may be construed as a partial denial of your request, you are hereby advised of this Agency's appeals procedures, as follows:

Any person denied access to records may, within 30 days after notification of such denial, file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. Such appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority, National Security Agency, Fort George G. Meade, MD 20755. The appeal shall reference the initial denial of access issued by the Agency to the requester and shall contain in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS Appeal Authority shall respond to the appeal within 20 working days after receipt of the appeal.

Sincerely,

J. D. Smith

for
NORMAN BOARDMAN
Information Officer

2 Incls:
a/s

cc: ESS/R (Less Incls)
L221 "
D4 RF "
D4 SF "
D6 "
SC/DIR "
CA "

Concur: D6 _____

K. Miller, D4, 3083, 7 Dec 76, lf