

JOURNALIST RUSSELL CAROLLO

THRU:

Phone:

Fax: CALL FIRST

Email:

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Aug. 7, 2012

THRU: Susan Viscuso
Central Intelligence Agency

This is an appeal under the Freedom of Information Act, 5 U.S.C. 552. On June 28, 2012, I filed the attached request.

Nothing in this appeal is intended to change the scope of my request.

The attached response was not correct for the following reasons:

- 1) Requester was denied records under 5 U.S.C. 552, yet no appeal authority was provided.
- 2) The response claimed that simply to review records falling under the scope of the request "would impose an excessive and unreasonable burden on the agency."

The universe of records the response was based on, however, is many times larger than the records sought in the request.

The request was limited to records since 1998, nearly three and a half decades after the assassination. Furthermore, the request was limited to communication related to the release of materials, not the universe of materials (which the response clearly is identifying: "2,000 cubic feet of records or five million pages from more than 30 different U.S. Government offices.")

In addition, the request sought congressional correspondence and FOIA request and response letters related to the same subject.

Virtually every federal agency – and very likely the CIA – maintains a searchable electronic database/spreadsheet of congressional correspondence. And CIA does, in fact, maintain a searchable database/spreadsheet of FOIA requests (and information on the responses).

In addition, CIA very likely also has the technical ability to search all its correspondence electronically for the requested information.

A significant amount of the materials covered within the scope of my request would be contained in communication related to FOIA requests and responses.

Also, the request specifically sought communication related to classifying records NBR (Not Believed Relevant).

The response clearly mischaracterized the request, not taking into account the diverse and distinct segments of the request that were specifically identified and clearly not overly broad or vague, and the response also falsely claimed the request sought a much larger volume of records.

- 3) The response contained no evidence that any search whatsoever was conducted for responsive records or that any other effort was made to respond to request pursuant to 5 U.S.C. 552.

4)I request an index of all documents denied to me, as required under Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1972). A Vaughn index must describe each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." Founding Church of Scientology v. Bell, 603 F.2d 945, 959 (D.C. Cir. 1979). Moreover, the Vaughn index must "describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information." King v. U.S. Department of Justice, 830 F.2d 210, 223-24 (D.C. Cir. 1987).

I respectfully ask that you consider that this request and appeal are made by a journalist under a law intended by Congress to keep our citizens informed about the activities of government – a law our government and many others feel is vital to a free nation. I also respectfully ask that you consider that this response is not in keeping with the spirit or the letter of that law or with your own policies.

I expect your decision in 20 business days. See 5 U.S.C. § 552(a)(6)(A)(ii).

Thank you for your assistance.



SENT FED EX 8008-0790-5575

(b)(6)

Central Intelligence Agency



Washington, D.C. 20505

23 July 2012

Mr. Russell Carollo



A handwritten signature in black ink, appearing to read "S. G. Paul".

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Reference: F-2012-01642

Dear Mr. Carollo:

This is a final response to your 28 June 2012 Freedom of Information Act (FOIA) request, received in the office of the Information and Privacy Coordinator on 3 July 2012, for **“All communication since October 1998 related in any way to the release of materials related to the JFK assassination.”**

The CIA, whose primary mission is the collection and analysis of foreign intelligence, has a vast amount of records in a variety of offices and files that are indexed and therefore retrievable under the name of a specific country or region of the world or under a broad subject of public interest. An overly broad search would locate a vast quantity of records, much of which would be extraneous, mentioning the subject of the request only in passing, thus being of little or no value to you. Further, the review of such records would impose an excessive and unreasonable burden on the Agency. Therefore, we must decline to process such requests.

However, in an effort to assist you, please be advised that the records you are seeking may be contained in the records which have been transferred to the National Archives and Records Administration (NARA) in compliance with the John F. Kennedy Assassination Record Collection Act of 1992. You may write to NARA at the following address:

JFK Assassination Records Collection
National Archives at College Park
8601 Adelphi Road
College Park, MD 20740-6001

In addition to the records of the CIA, Federal Bureau of Investigation, and numerous other Executive Branch agencies and offices, the collection contains the records of relevant Congressional committees, related court cases, and records private entities donated. The collection currently contains more than 2,000 cubic feet of records or five million pages from more than 30 different U.S. Government offices. This documentation is also searchable electronically through the NARA website on the Internet at www.archives.gov/research/jfk.

We hope this information is useful to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Meeks".

Michele Meeks
Information and Privacy Coordinator

JOURNALIST RUSSELL CAROLLO

Phone:

Fax: CALL FIRST

Email:

June 28, 2012

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Susan Viscuso
Central Intelligence Agency

Pursuant to the federal Freedom of Information Act, 5 U.S.C. 552, I request access to and copies of:

All communication since October 1998 related in any way to the release of materials related to the JFK assassination. This request includes, but is not limited to, communication with the NARA, internal CIA communication, communication with other agencies and all records of all discussions related in any way to classifying records NBR (Not Believed Relevant).

This request also includes, but is not limited to, congressional correspondence and FOIA request and response letters related in any way to the same subject.

I have attached a letter to assist in your search; however, the scope of my request is in no way limited by this document.

Please justify each deletion separately by reference to specific exemptions of the Act, and release all reasonably segregable portions of otherwise exempt material.

Include information contained in the material that otherwise would be considered non-responsive to the specific request.

I will only modify this request in writing -- not via telephone.

Notify me prior to incurring more than \$200 of expenses.

I look forward to your reply within 20 business days, as the statute requires.

Thanks for your assistance.

Yours very truly,

Russell Carollo, journalist

Insert shipping document. ▼

FedEx NEW Package Express
US Airbill

FedEx Tracking Number: 800 000 000

1 From This portion can be removed for Recipient's records.
Date: 4-7-12
Sender's Name: RUSSELL CAROLLO
Company: [Redacted]
Phone: [Redacted]

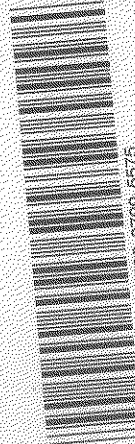
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fedex.com 1800.GoFedEx 1800.463.3333

2 Your Internal Billing Reference

3 To Recipient's Name: SUSAN WISCONSIN
Company: CIA
Address: Information and Policy Coordination Dept./Rec Sub Room
City: WASHINGTON State: DC ZIP: 20504

Address: Use this line for the recipient address or for continuation of your shipping address.



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