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JFK Assassination System
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Office of the Director

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Washington, D.C. 20535

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1993

Sr. Mario Charpentier Gamboa
Dirección de Inteligencia y Seguridad Nacional
Apartado Postal 920-1250, Escazu
San Jose, Costa Rica C.A.

4-21-99
CLASSIFIED BY: 5668 SLD/KSR
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(JFK)

Dear Sr. Charpentier Gamboa:

I am writing to you about a matter that I believe to be important to the FBI and to the United States people.

The President John F. Kennedy Assassination Records Collection Act, 44 U.S.C. §2107(Supp. V 1994) (the Act) (copy enclosed) was enacted by the United States Congress and signed into law by President George Bush on October 26, 1992. The purpose of the Act is to preserve and maintain all United States governmental documents in one area, the National Archives and Records Administration (Archives), for access to those individuals interested in the history surrounding the assassination of President John F. Kennedy. The Act states that, "[a]ll government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure," and requires all United States government agencies to find all documents related to the assassination and to review and release the identified documents to the maximum extent possible to the public. The FBI has been working diligently since 1993 to fulfill our responsibilities under the Act.

The purpose of this letter is: (1) to inform you that the FBI's assassination records contain information originating with your agency or your original documents, (2) to respectfully request that your agency review your information for maximum disclosure to the fullest extent possible, and (3) to explain the provisions for your request to protect your information from disclosure.

To achieve maximum disclosure of assassination records, the Act established the JFK Assassination Records Review Board (the Board). The Board is an independent Federal agency charged with overseeing the identification and release of records related to the assassination from the other Federal agencies. The FBI has assured the Board of our continued dedication of cooperating with them to meet the objectives of the Act. In that spirit, the FBI would appreciate your agency's review of the enclosed assassination records and consideration of whether the information can be released.

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[Sr. Mario Charpentier Gamboa] (S)

If your agency has no objection to the release of its information in the enclosed records, please notify the FBI so that we may take steps to release the records to the Archives. If your agency determines that the information cannot be released, please provide an explanation so that the FBI may present the evidence to the Board for their approval. The Act requires the FBI to present "clear and convincing evidence" of a harm that would outweigh the need for public disclosure to the Board for any information that we request to protect from disclosure. Such evidence to protect information is explained in the Act as, "the public disclosure of the assassination record would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest." Upon receipt of your instructions and explanation for the protection from disclosure, the FBI will provide the information to the Board and request that they sustain the request for withholding the information from disclosure.

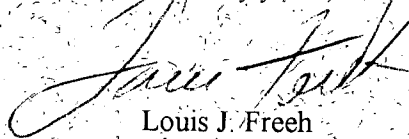
Please be aware that the Act requires that *all* information in the assassination collection at Archives (even in the closed section) be released to the public in the year 2017, *including information that the Board agrees to protect*. The Act has provisions to extend postponements (protection of information from disclosure) past 2017 with the certification of the President of the United States that the information continues to meet the requirements for postponement. The FBI will periodically review the postponed material for the need of this certification.

As you know, the FBI normally protects information from your agency pursuant to applicable Executive Orders and the Freedom of Information and Privacy Acts exemptions. However, the Act is a unique Federal law that applies only to JFK assassination records. Please note, it is our opinion that release of information in the JFK assassination records should not in the future affect the FBI's standard policy of protecting your agency's information in other investigations or in other contexts.

The FBI is committed to the opening of all information related to the assassination to the United States public, but appreciates that certain information is sensitive and not proper for release. Therefore, the FBI requests your consideration and understanding of this matter and the continuance of your outstanding association with our agency.

Thank you, in advance, for your cooperation. Please direct any questions to our Legat Office representative or to Carol L. Keeley, Acting Unit Chief of the Historical and Executive Review Unit of the FBI, 935 Pennsylvania Avenue, N.W., Washington, D.C. 20535, (202) 324-0671.

Sincerely yours,



Louis J. Freeh
Director

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