

JAMES H. LESAR
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FREEDOM OF INFORMATION ACT APPEAL

October 21, 2012

Agency Release Panel
c/o Ms. Michele Meeks
Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

CERTIFIED MAIL NO.
7011 1570 0000 9518 3993

70111 0470 0000 8013 0833

Re: Study of Hitler Plots;
F-2012-020687

Dear Ms. Meeks:

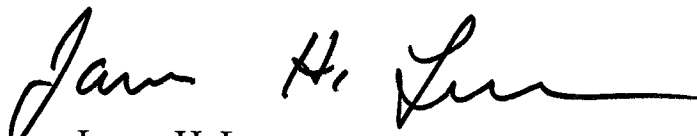
By letter dated October 11, 2012, you advised me that your agency did not locate any records responsive to Item 1 of my August 25, 2012 request referenced above. I hereby appeal this determination.

Attached to that request was a copy of a September 25, 1963 Memorandum for the Record from an officer of the Joint Chiefs of Staff regarding a briefing that day of CIA official Desmond Fitzgerald on certain of the CIA's anti-Castro operations. It is clear from this that the CIA should have operational records pertinent to this request. You have not indicated that the CIA searched its operational files for responsive records/While the CIA Freedom of Information Act of 1992 provides that the CIA's operational files may be excluded from the search and review requirements of the Freedom of Information Act ("FOIA"), there is an exception to that exclusion which means it does not apply to the records sought by this request.

The records covered by this request are relevant to various official investigations, including those of the President's Commission on the Assassination of President John F. Kennedy (The Warren Commission), the

Senate Select Committee on Government Operations with Respect to Intelligence Activities (The Church Committee), and the House Select Committee on Assassinations (The HSCA). As such, the exclusion from search and review for operational files does not apply to these records. Please conduct a full search of operations files for all records pertaining to this request.

Sincerely yours,



James H. Lesar