Chapter 8
Federal Agency Compliance with the JFK Act

A. Introduction

The *John F. Kennedy Assassination Records Collection Act of 1992* (JFK Act) directed federal agencies to search for records relating to the assassination of President Kennedy and to transfer those records to the John F. Kennedy Assassination Records Collection (JFK Collection) at the National Archives and Records Administration (NARA) for public disclosure. As explained earlier in this report, the agencies began their compliance activities even before the Senate confirmed the nomination of the Review Board members in 1994. Once the Review Board convened, it assessed the efforts of federal agencies to comply with the terms of the JFK Act.

In late 1996, the Review Board initiated a formal program to ensure, to the fullest reasonable extent, that all relevant agencies were complying with the JFK Act. The Review Board's "compliance program" stressed agency obligations to search for and publicly release records relating to President Kennedy's assassination. As part of its compliance program, the Review Board asked each agency to submit a declaration, under penalty of perjury, describing the record searches that it completed, the assassination records that it located, and any other actions it took to release assassination records. The Review Board established the compliance program in furtherance of the JFK Act's mandate that there be "an enforceable, independent and accountable process for the public disclosure" of records on the Kennedy assassination.[i]

Before agencies submitted their Final Declarations of Compliance, the Review Board staff worked with the various agencies to resolve outstanding compliance matters. Among the issues that the Review Board addressed with the agencies were: (1) the overall scope and adequacy of the agency's search for assassination records; (2) the adequacy of the agency's responses to the Review Board's requests for additional information and records; (3) the agency's disposition of relevant records, which, in some cases required agencies to account for the destruction of assassination records; and (4) the timeliness of the agency's processing of its assassination records.

B. Federal Agency Compliance with the JFK Act

This chapter sets forth a description of the major compliance activities that each relevant federal agency completed -- or attempted to complete -- in its efforts to comply with the JFK Act. Each section will describe work that a particular agency completed, both before and during the Review Board's existence.[ii] The chapter discusses the compliance efforts of those agencies listed below. The agencies are discussed in approximate order of interest, with the most relevant agencies addressed first.

1. Central Intelligence Agency
2. Federal Bureau of Investigation
3. Secret Service
4. National Security Agency
5. Department of State
6. Department of Justice

a. Office of Information & Privacy
b. Criminal Division
e. Office of Legal Counsel

7. Department of the Treasury
   a. Main Treasury
   b. Bureau of Alcohol Tobacco & Firearms
   c. Customs Service
   d. Internal Revenue Service
8. National Security Council
9. President's Foreign Intelligence Advisory Board
10. Immigration & Naturalization Service
11. Office of the Secretary of Defense
12. Defense Intelligence Agency
13. Department of the Army
   a. Central Security Facility
   b. Armed Forces Institute of Pathology
14. Department of the Navy
   a. Office of Naval Intelligence
   b. National Naval Medical Center in Bethesda
15. Department of the Air Force
16. Joint Chiefs of Staff
17. White House Communications Agency
18. Postal Service
19. Drug Enforcement Administration
20. Library of Congress
21. NARA, including Presidential Libraries
   a. NARA, Washington, D.C.
   b. NARA -- Southwest Region, Fort Worth, Texas
   c. Civil Division
   d. Civil Rights Division
   c. Gerald R. Ford Library
   d. John F. Kennedy Library
   e. Lyndon B. Johnson Library
22. General Services Administration
23. U.S. Congress Records
   a. House Select Committee on Assassinations
   b. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the Church Committee)
   c. House Select Committee on Intelligence (the Pike Committee)
   d. House Judiciary's Subcommittee on Civil & Constitutional Rights
   e. House Government Operations Subcommittee on Government Information and Individual Rights
   f. House Committee on Un-American Activities
   g. Other Congressional Records

Central Intelligence Agency. The Review Board considered the CIA's compliance with the JFK Act, including complete disclosure of all CIA records relating to Lee Harvey Oswald and the Kennedy assassination, to be one of its highest priorities.

The CIA's complied with the JFK Act through the auspices of the Agency's Historical Review Program (previously the Historical Review Group or HRG). HRP reviewed documents, referred documents within CIA, answered questions, negotiated issues with the Review Board staff, and, after Board voting, processed documents for release to NARA. The HRP reviewers were all CIA annuitants, with twenty years or more experience, working as independent contractors. Beginning with a 14-member staff in 1992, the staff grew steadily to 29 reviewers and nine administrative personnel by the Summer of 1998. HRP also drew on the resources of numerous other offices at CIA for record searches, answers to Review Board questions, and the provision of

materials for inspection by the Board. From 1992 until December 1997, HRG functioned as part of the Center for Studies in Intelligence and its Chief was the Director of Central Intelligence's personal representative to the Review Board. In January 1998, the CIA's reorganization renamed HRG the Historical Review Program and moved it to join other CIA declassification efforts in the Office of Information Management.

In 1992 and 1993, the CIA's Historical Review Group proceeded to assemble CIA records relating to the assassination. In early 1992, prior to enactment of the JFK Act, the Chief of the History Staff located and inventoried the CIA records on the assassination that CIA had sequestered pursuant to an agreement between the CIA and the HSCA (the CIA-HSCA sequestered collection). This material comprised 64 boxes. In addition, the History Staff secured the 16 boxes of the original Lee Harvey Oswald file 201 file. Following passage of the JFK Act, the CIA reviewed and declassified the Oswald 201 file and files within the CIA-HSCA sequestered collection, and in 1993 the CIA transmitted those records to the JFK Collection at NARA.

In October 1993, the CIA's HRG requested the various CIA directorates to search for additional records on Lee Harvey Oswald In anticipation of the Review Board's requests for additional information and records, the CIA, in April 1995, requested each directorate and the DCI administrative officer "to appoint a focal point officer" for the JFK Act. Review Board's inquiries thus could be referred by the HRG to the and on the JFK assassination. [iii] (The directorates were the Directorate of Operations, the Directorate of Intelligence, the Directorate of Administration, and the Directorate for Science & Technology.) As a result of this search directive, the CIA identified 31 boxes of potentially responsive records, and these were forwarded to the HRG for review under the JFK Act. Included were 19 boxes of working files on the Kennedy assassination by CIA officer Russ Holmes (for many years [he] was the Agency's focal point officer with responsibility for responding to questions related to [CIA's] assassination-related records); two boxes on KGB defector Yuri Nosenko; seven boxes of Latin American Division records; and three boxes related to the Bay of Pigs. The Review Board identified 22 of these boxes as responsive under the JFK Act, although many of the records were duplicates of records contained in the Oswald 201 file or the CIA-HSCA sequestered collection files.[iv]

The Review Board requested numerous categories of additional CIA records in an effort to ensure the most complete disclosure of information relating to the Kennnedy assassination. The Review Board made 16 formal requests in writing, as well as 37 informal requests made in the course of the CIA and Review Board staffs working together.

appropriate CIA office. A number of CIA officers facilitated the difficult process of securing access to CIA files, as well as negotiating issues relating to the release of records. The Review Board did encounter CIA resistance to making records available to the Review Board, as well as resistance to

ultimate disclosure of records. This resistance came almost exclusively from the Directorate of Operations, whose records are not usually subject to public disclosure pursuant to the terms of the FOIA. While various offices within the CIA took positions against release of certain records, and argued for continued secrecy, the Review Board staff was often able to deal with knowledgeable CIA officers who could reasonably balance the public interest in disclosure with legitimate needs for continued secrecy on limited issues. Ultimately, the Revierw Board was not aware of any records being deliberately withheld from the Board.

In response to the Review Board requests, the Board staff was granted access to review original, unsanitized CIA files--including original files of the highest officials at CIA during the time of the assassination--to confirm the existence (or non-existence) of materials relating to the assassination. Because the CIA files necessarily covered other matters in addition to the the assassination, the CIA was initially reluctant to provide wholesale files for Review Board inspection. In order to obtain access to certain sets of files, and thus examine them in their original form, the Review Board agreed to limit access to one or two Board staff members. The Board believed that agreeing to this limitation was of practical benefit because it secured, for the Board, entire original sets of files that were not pre-reviewed by CIA.

As a result of the Review Board's requests and inspection of various CIA files, the CIA identified additional materials relating to the assassination in addition to those initially identified in 1992 and 1993.

In 1997, the CIA provided the Review Board staff with several briefings by representatives of each directorate with respect to their files and record keeping systems, and as to their searches for assassination-related records. In conducting its searches for records on the assassination, the CIA conducted both manual and electronic database searches. In 1998, the Review Board expressed to the CIA concern regarding the adequacy of CIA's record searches. The Review Board's concern arose out of the CIA's belated discovery of several files relating directly to Lee Harvey Oswald, including (a) a multi-volume Office of Security file on Oswald; (b) a previously undisclosed "continuation" of the Oswald 201 file containing a small number of documents post-dating the 1977-78 HSCA investigation; (c) another, small file on Oswald designated by the CIA as an "A" file; and (d) a 1990 KGB defector file that contained information relating to Lee and Marina Oswald. None of these files had been identified by the CIA in 1992-93, when CIA first assembled its files on the Kennedy assassination. The belated discovery of these records disturbed the Review Board, particularaly given its mandate to assure the public that all relevant materials on the Kennedy assassination were being released by the U.S. Government.

In an effort to ensure that the CIA had conducted thorough and adequate searches under the JFK Act, the Review Board specifically requested that CIA Director George Tenet issue a directive to all components of CIA requesting that they

identify any records relating to the assassination. Director Tenet issued the directive. Other measures were suggested by In its Final Declaration of Compliance, the CIA stated that each of its directorates, as well as the official responsible for the DCI area, had certified that "their respective offices or directorates [had] properly and fully responded to requests from the Board." [v] CIA further represented, under oath, that it had "made diligent searches to locate and disclose . . . all records in its possession relating to Lee Harvey Oswald and the assassination of President Kennedy" and that it was "aware of no other assassination-related records in its possession being withheld . . . ."[vi]

Federal Bureau of Investigation. The Review Board considered disclosure of the FBI's assassination records to be of paramount importance. Before passage of the JFK Act, the FBI sought to identify and collect all of its major files on the Kennedy assassination. This effort was undertaken in connection with the anticipated Congressional testimony of FBI Director William Sessions regarding the then pending JFK Act bill to open up U.S. Government records on the Kennedy assassination.

The FBI represented to the Review Board that it searched its automated and manual indices to its central records systems and its "automated ELSUR index." (The ELSUR index "covers electronic surveillance sought by or conducted by the FBI since January 1, 1960.). The searches, encompassing "all core and related subjects," were conducted at FBI headquarters, as well as field and legat offices. (Core and related" subjects, as defined by the FBI, encompassed the major subjects asssociated with the assassination story, including Lee Harvey Oswald, Marina Oswald, John F. Kennedy, Marguerite Oswald, George DeMohrenschildt, Ruth and Michael Paine, Clay Shaw, and David Ferrie.).

To comply with the JFK Act, the FBI established a JFK Task Force and proceeded to transfer to NARA its "core and related" files consisting of its file on the assassination investigation, Lee Harvey Oswald, Marina Oswald, Jack Ruby, Ruth and Michael Paine, George DeMohrenschildt, David Ferrie, and Clay Shaw. These files were collected from FBI Headquarters and from FBI field offices, including the Dallas and New Orleans offices. The FBI also began to forward to the JFK Collection various FBI files that the Bureau had made available to the HSCA.

The Review Board formally submitted to the FBI more than 50 requests for additional records. In response to the Board's requests, the FBI made its original files available if the files still existed,m and provided documentation on those files that did not exist.

Both in January 1997 and In April 1998, the staffs of the FBI and the Review Board met to address any outstanding matters with respect to the FBI's compliance with the JFK Act. The compliance program with the FBI focused primarily on the scope of the FBI's searches under the JFK Act. The Review Board staff raised certain additional records issues, including identification of the Review Board, and these were undertaken by CIA.

any working files for the top FBI officials with responsibility for investigating the Kennedy assassination and accounting for all relevant electronic surveillance that related to the assassination. Acting on the Review Board's inquiry, the FBI requested On the issue of electronic surveillance, the FBI requested all 56 of its field offices to identify any electronic surveillance in which assassination-related figures were either speaking, or referred to, in conversations monitored by the FBI. The FBI searched its "elsur indices" under the core file subjects. The FBI certified that it identified only one instance where core subject was the target of an FBI elsur, and that was the electronic surveillance of Marina Oswald in Dallas following the assassination. All other relevant electronic surveillance identified by the FBI (from less than 10 field offices) consisted of so-called "overhears," where a person is mentioned in a conversation.[vii] Nonetheless, the FBI certified that these would be reviewed and processed, as appropriate, under the JFK Act.

Because the FBI has a well-indexed, centralized file system, the FBI's official main files on the Kennedy assassination and on key figures associated with the assassination story were readily identified and processed under the JFK Act. The bulk of FBI records relating to the assassination have been placed in the JFK Collection. However, at the time of this Report, the FBI was still processing some additional materials for inclusion in the JFK Collection..

Secret Service. The major contribution by the Secret Service to the JFK Collection is the Secret Service's official file on the Kennedy assassination which the Secret Service transferred to NARA in 1979.[viii]

"all FBIHQ Divisions . . . to conduct searches for any materials not retrievable through" the FBI central records system and that may have been maintained by top FBI officials.

After the JFK Act was passed, the Assistant Director for the Office of Administration requested, in December 1992, that an inventory be done for records relating to the assassination. In response, the Chief of the Policy Analysis & Records Systems Branch within the Office of Administration reviewed the inventories of Secret Service records in storage. In addition, Secret Service made these inventories, as well as archive records, available to the Review Board staff for inspection. In 1995, the Assistant Director for the Office of Administration instructed each Assistant Director and the Chief Counsel to search for assassination-related records. In December 1996, another search directive was issued by the Assistant Director for Administration to each employee.

In addition to the Secret Service's review of its archival records, the Review Board submitted to the Secret Service 21 separate requests for records. The Secret Service was generally cooperative in making the requested records available to the Review Board. As a result of the Service's own searches, as well as Review Board requests for records, the Secret Service identified, as assassination records under the JFK Act, additional materials beyond those contained

in the official case file for the Kennedy assassination.

The Review Board also requested the Secret Service to explain the circumstances surrounding the destruction, after passage of the JFK Act, of certain Presidential Protection Survey Reports for President Kennedy (the destroyed materials did not relate specifically to President Kennedy's trip to Dallas, but rather included materials relating to Presidential trips between September 24, 1963 and November 8, 1963 [double check]). The Secret Service formally explained the circumstances of this destruction in correspondence and an oral briefing to the Review Board.[ix] The Review Board also sought to account for certain additional record categories that might relate to the Kennedy assassination. For example, the Review Board sought information regarding a protective intelligence file on the Fair Play for Cuba Committee (FPCC) and regarding protective intelligence files relating to threats to President Kennedy in the Dallas area (the Dallas-related files were disclosed to the Warren Commission). The FPCC and Dallas-related files apparently were destroyed, and the Review Board sought any information regarding the destruction.

National Security Agency. Despite the highly classified nature of its operations, the National Security Agency (NSA) was fully subject to the JFK Act and conducted searches for assassination records. In March 1993, NSA's Deputy Director of Plans, Policy, and Programs (DDP) directed that an NSA-wide search be conducted for records responsive to the JFK Act. Within NSA, the Office of Policy was designated to coordinate review of NSA's assassination-related records. According to NSA, "[a] search of all files and databases believed to hold such [assassination-related] records was conducted by each of the Directorates within NSA . . . ." In addition to database searches, ten individuals were assigned to hand-search approximately 200 boxes of archived material from the 1963-64 time frame. Further searches were undertaken by the Directorate of Operations and the NSA Archives in response to specific requests of the Review Board in 1995. As a result of NSA's 1993 and 1995 searches, NSA identified a total of 269 records to be processed under the JFK Act.

Many of the assassination records located by NSA came from archival holdings of its Legislative Affairs Office and General Counsel's Office and related to NSA responses to prior investigational inquiries regarding the assassination.[x] In March 1995, the NSA briefed the Review Board as to how it had conducted its searches for assassination records and, in addition, submitted answers to specific questions submitted by the Review Board as to records that NSA might have relating to the assassination. The Review Board thereafter submitted additional questions to NSA, particularly regarding intelligence holdings that NSA might have relating to Cuba or the Soviet Union. NSA was cooperative in answering the Review Board's questions, including submitting a detailed set of responses to Review Board inquiries regarding intelligence holdings on Cuba and the Soviet Union that might lead to relevant information relating to the assassination. NSA stated that "both Cuba and the USSR

were targets of high interest during the time of the assassination," and that NSA files relating to those countries were searched. NSA concluded that "[t]hese searches produced records that primarily reflected reactions to the assassination."

With respect to NSA's review of its intelligence holdings, NSA "certifie[d] that it has neither located, nor is it withholding, any intelligence records containing information of investigatory significance to the Kennedy assassination." NSA advised the Review Board that its relevant intelligence records had "report[ed] on reactions to the assassination" and that they did not contain "unique information" on the "planning , execution, or investigation" of the assassination.

Department of State. The State Department's main record holdings regarding the assassination were transferred to NARA in 1989. These were so-called "lot files" consisting mostly of records relating to the State Department's work relating to the Warren Commission investigation. The files came from the State Department Legal Advisor's Office and from the Office of Security and Consular Affairs. [xi] With passage of the JFK Act, the State Department opened these files to the public in August 1993.

After passage of the JFK Act, the Department of State devoted considerable resources to carrying out its obligations under the Act. The Department designated its Office of Freedom of Information, Privacy & Classification Review (of the Bureau of Administration) as the entity responsible for identifying and processing assassination records under the JFK Act. The office in turn appointed a retired State Department historian to coordinate the Department's JFK Act compliance.

The State Department staff conducted numerous searches of its records to ensure compliance with the JFK Act. For example, in 1993, the Department searched its Central Foreign Policy records. The search included a review of manifests of retired files of Departmental offices and foreign posts, as well as computerized searches of its automated document systems. Also in 1993, the Assistant Secretary of State for Administration formally requested various offices within the Department to search for records relating to the assassination.

Among the records located by the Department were 25,000 pages of material relating to condolences, funeral attendance arrangements, and memorial activities. Also, "virtually every diplomatic conversation held during the month or so after the assassination contained oral condolences or references to the recent American tragedy." After processing approximately 3,000 such records for the JFK Collection, the Department discontinued processing these kinds of records and "restricted its search to documents relevant to the murder investigation." The Review Board did not object to this approach.

Extensive resources were also devoted to the declassification of State Department records under the JFK Act. Former Foreign Service Officers, working as re-employed annuitants, reviewed State Department-originated documents and documents referred by other agencies to

State. Other entities within the State Department also participated in review and declassification, including the Bureau of Diplomatic Security, the Office of Passport Policy, and the Bureau of Intelligence & Research. State Department reviewers were sent to NARA, the CIA, the House and Intelligence Committees, and the JFK Library to review and declassify State Department records. More than 10,00 such records were processed under the JFK Act. In addition, State Department reviewers processed approximately 4,500 documents referred to State from other agencies.

Since 1997, a team of State Department reviewers also has been declassifying Department records pursuant to Executive Order 12958. These reviewers were instructed to identify any assassination-related materials in the course of their review. Furthermore, many of the record groups that were searched under the JFK Act were forwarded to NARA under the Executive Order on declassification. In view of the State Department's representations regarding its declassification efforts under the Executive Order, the Review Board determined that a further detailed review of these records for assassination-related materials was not necessary.

Among the records identified under the JFK Act and transferred to NARA were: a lot file on the assassination; diplomatic cables regarding foreign reaction to the assassination; records from the Mexico City Post File; documents from the records of Llewellyn E. Thompson, former Ambassador to the Soviet Union; records of Secretary Dean Rusk, including memoranda summarizing telephone conversations he had regarding the assassination; and working files on the assassination maintained by U. Alexis Johnson, then Deputy Undersecretary of State.

Department of Justice. The Review Board considered Department of Justice records to be of significance under the JFK Act. The Review Board worked separately with each of the relevant divisions of the Department of Justice to identify and release records under the JFK Act. Accordingly, the Review Board worked with the Office of Information & Privacy (OIP), responsible for so-called "leadership offices;" the Criminal Division; the Civil Division; the Civil Rights Division; and the Office of Legal Counsel. The work of each Division is summarized below.

Office of Information and Privacy. This office is responsible for records of the "leadership offices" of the Department of Justice, including records of the Attorney General, Deputy Attorney General, and Associate Attorney General. In addition, OIP is responsible for handling FOIA requests and appeals directed against all entities within the Department of Justice. OIP had considerable staff assigned to carry out its obligations under the JFK Act, including a senior counsel, a Department of Justice archivist, and two FOIA/declassification specialists. The senior counsel was appointed as the OIP representative to coordinate OIP's efforts under the JFK Act.

After passage of the JFK Act, OIP had identified materials relating to FOIA litigation over records relating to the JFK assassination, and these materials were placed in the JFK Collection.[xii] OIP also located and designated as assassination records the following: (1) certain files of Robert Keuch, who was DOJ's liaison to the HSCA; (2) a file of Attorney General Edward Levi (entitled, "FBI/JFK Assassination Investigation); (3) a file of Attorney General William Barr; (4) files from DOJ's Office of Public Affairs; (5) documents from DOJ's Departmental Review Committee involving administrative appeals of FOIA requests; and (6) an historical file containing assassination-related documents from "leadership offices" and that have been the subject of past FOIA litigation.[xiii]

Criminal Division. After passage of the JFK Act, the Acting Assistant Attorney General for the Criminal Division instructed high-level officials within the Division to forward any assassination records to the Freedom of Information/Privacy Act (FOI/PA)Unit within the Division. In addition, record searches were conducted by the FOIA/PA Unit and the Criminal Division Records Unit. Files relating to the assassination were identified and placed into the JFK Collection in 1993. Among the Criminal Division files in the JFK Collection are the Division's main file on the assassination and a file on FBI handling of the assassination investigation. In the course of complying with the JFK Act, the Criminal Division utilized four attorneys and support personnel.

As the Review Board closed in September 1998, major categories of assassination records in the custody of the Criminal Division had not yet been transferred to the JFK Collection at NARA. These included the organized crime and internal security records that had been identified by the Review Board. The Review Board is disappointed that these records have not been released at this time, but has received the Criminal Division's firm commitment to complete the process of declassification. In addition, the Criminal Division has generated additional records regarding recent ballistics testing of one of the bullet fragments and has commited to placing those records in the JFK Collection.

Civil Division. In March 1993, the Acting Assistant Attorney General for the Civil Division directed all Division offices to identify any assassination-related records that might be in their custody. In addition, the Civil Division appointed the Division's Attorney in Charge of its FOI/PA Unit to coordinate release of assassination records under the JFK Act.

As a result of the search directive, the Civil Division identified four categories of records potentially responsive to the JFK Act: (1) case files relating to FOIA litigation in which plaintiffs sought access to U.S. Government records on the Kennedy assassination; (2) a case file relating to compensation for the U.S. Government's taking of the Oswald rifle (*Marina Oswald Porter v. United States*) (this file, however, had been destroyed in 1991 through routine document destruction practices); (3) a Criminal Division file relating to the Kennedy family's agreement to donate

certain personal items of President Kennedy to NARA; and (4) miscellaneous materials relating to the assassination located with the Director of the Federal Programs Branch.

In 1993, the Civil Division transferred to NARA the small collection of documents that had been discovered among the secured files of the Director for the Federal Programs Branch. This collection of materials included pictures of the President's clothing after the assassination, documents relating to the autopsy, and memoranda relating to the availability of Warren Commission materials.[xiv] Aside from these materials, no other assassination-related records had been placed in the JFK Collection at that time.

Because the Civil Division defends Federal agencies in suits arising under the Freedom of Information Act (FOIA), the Division had numerous files on FOIA suits involving requests for Government records on the Kennedy assassination. Accordingly, the Review Board requested that the Civil Division release, under the JFK Act, its FOIA litigation case files relating assassination records. Initially, the Civil Division took the position that FOIA litigation files on JFK assassination records need not be reviewed or released under the JFK Act. However, the Review Board prevailed upon the Civil Division to release these FOIA files under the JFK Act. The various JFK-related FOIA cases were identified to the Civil Division by the Review Board, and they were transmitted to the JFK Collection.[xv]

Civil Rights Division. The Civil Rights Division located one major file under the JFK Act -- a file relating to civil rights complaints made against New Orleans District Attorney Jim Garrison That file was placed in the JFK Collection.[xvi]

Office of Legal Counsel. The Office of Legal Counsel collected documents spanning from 1963 to the 1970's and pertaining to legal aspects of the assassination, including legal issues involved in the start-up of the Warren Commission, public access to Warren Commission evidence, proposed legislation making Presidential assassination a federal crime, and responses to public inquiries about the assassination. These records have been transmitted to the JFK Collection.

Department of Treasury. The Review Board worked with various components of the Department of Treasury, including Main Treasury (*i.e.*, the Office of the Secretary), Secret Service (discussed above), the Internal Revenue Service (IRS), the Customs Service, and the Bureau of Alcohol, Tobacco & Firearms (ATF).

Main Treasury. In December 1992, the Assistant Director for Policy, Plans and Paperwork Management requested the Departmental Offices Records Officer to identify any assassination-related records under the JFK Act. No assassination records were identified at that time. In 1995, the Review Board began to make specific additional requests for information and records, and Treasury searched for the records that the Board requested.

In late 1996, Main Treasury designated the Departmental Offices' Records Officer to

coordinate Treasury's work under the JFK Act. In addition, a senior attorney from the Office of General Counsel was tasked to handle JFK Act matters. These officials assisted in the processing of identified assassination records and in making available to the Review Board additional records for inspection.

Treasury has confirmed that all of its identified assassination records have been transferred to the JFK Collection at NARA.

Bureau of Alcohol, Tobacco and Firearms (ATF). In 1992, ATF's Assistant Director (Administration) directed each of the heads of offices within ATF to locate any records relating to the assassination. No assassination records were identified at that time. In addition, in 1995, ATF reviewed inventories of records held in storage, and no assassination records were identified through that review. In particular, ATF reported that the Fort Worth Records Center held no ATF records from the 1960's. ATF also made search inquiries with its Criminal Enforcement Divisions, including Intelligence, Firearms, and Special

Customs Service. After passage of the JFK Act, Customs conducted a search of its Washington, D.C. headquarters files through computerized searches, as well as extensive review of its archival files with the assistance of Review Board staff. In addition, Customs instructed its field offices to search for assassination records. As a result, Customs did identify a modest number of assassination records.[xxii]

The Customs Service headquarters building moved in the early 1970s and most headquarters records were destroyed at that

Operations. Again, no relevant records were identified. The Review Board sought to have ATF locate any 1963-64 records relating to ATF's assistance in the investigation of the JFK assassination, as well as records from the late 1970's relating to ATF's work for the HSCA. The Review Board specifically requested that ATF check for records from the ATF Field Office in Dallas, as well as records for the ATF Director and ATF Chief Counsel, and this was done.[xvii]

ATF was fully cooperative and documented its search efforts in detail and under oath. However, ATF located only a handful of records, and these related to its work with the HSCA.[xviii]

One factor that may have explained the inability of ATF to locate any relevant records from the 1960's was the fact that ATF was not created as an independent entity until 1972. Before then, it was a component of the IRS.[xix] The Review Board therefore requested that IRS determine whether it had any pre-1972 ATF records relating to the assassination.[xx] No such ATF records were located by IRS.[xxi]

time. Thus, most additional searches that the Review Board staff requested that Customs conduct did not produce any records from the 1960s. In an effort to determine whether field offices kept records that headquarters might have destroyed, the Review Board asked that Customs have its Dallas field office re-check for any relevant files.

Internal Revenue Service. The identification and release of assassination-related records in IRS's custody has been difficult in view of the JFK Act's explicit provision that tax-related

records continue to be exempt from public disclosure under Section 6103 of the IRS Code. The Review Board believes that significant assassination-related records of the IRS were precluded from release under the JFK Act. Most significantly, the JFK Act failed to secure IRS's public release of the original Lee Harvey Oswald's tax returns and significant tax-related material in the files of the Warren Commission.[xxiii]

Notwithstanding Section 6103, the Review Board requested that IRS, at a minimum, collect and identify all records it had relating to the assassination. In 1994, IRS reported that it had identified, pursuant to the JFK Act, approximately 50 documents. These documents apparently related to a tax proceeding involving Jack Ruby's estate. At the time, no further work was undertaken by IRS to release these documents or to identify any other records under the JFK Act.

In early 1998, the Review Board requested that IRS formally document its actions and compliance under the JFK Act. The Review Board requested that IRS affirmatively search for certain categories of records that might relate to the assassination and that IRS specifically identify any such records that it believed could not be released under Section 6103.. The Review Board also requested that IRS review the tax-related records in the Warren Commission and HSCA holdings and determine which records could be released consistent with Section 6103.

At the request of the Review Board, the IRS intends to forward to the JFK Collection all tax-related assassination records identified by IRS, including those records to remain confidential pursuant to Section 6103.

In late 1996, the Review Board sought to clarify what IRS had done to locate additional records relating to the assassination and what it intended to release in light of Section 6103. In addition, the Review Board sought to inspect the assassination records that were, or would be, collected by IRS, including original tax returns of Lee Harvey Oswald, and records relating to IRS work with the Warren Commission. The Review Board also sought to ascertain the status and anticipated treatment of such records by IRS under the JFK Act. While IRS considered such records unreleasable to the public under Section 6103, the Review Board asserted its legal authority, under the JFK Act, to confidentially inspect IRS assassination records. However, the assassination records collected by IRS were not made available for our inspection. Only a year later did IRS affirm the Review Board's legal authority to inspect IRS assassination records.

National Security Council. The National Security Council did not initially do any work under the JFK Act following its passage. In 1997, the Review Board contacted the NSC to ascertain whether it might have any records that would be relevant under the JFK Act. The NSC was fully cooperative in identifying and making available the records within its custody and control. NSC provided the Review Board with various inventories to records held off-site and certain records from its vault in the Old Executive Office Building. Review Board staff worked with senior NSC records officials to designate assassination-related

records under the JFK Act.[xxiv] Among the early 1960's records designated were minutes of NSC and Special Group meetings. The materials covered issues regarding Cuba and Vietnam.

President's Foreign Intelligence Advisory Board. In early 1997, the Review Board requested that the President's Foreign Intelligence Advisory Board (PFIAB) make available any 1962-64 records that might relate to the Kennedy assassination. PFIAB agreed to make available certain records for the Review Board's inspection. Over several months, the Review Board staff inspected these records and identified certain excerpts as assassination records. When the Review Board sought to have the records processed for public release, PFIAB took the position that these records were, in fact, not releasable under the JFK Act. Senator Warren Rudman, Chairman of PFIAB, appeared before members of the Review Board in August 1998 to present PFIAB's view that its records were not covered by the JFK Act and, furthermore, that particular records identified by the Review Board were not assassination-related within the meaning of the statute.

The Review Board proceeded to formally designate the identified PFIAB records (many of which dealt with U.S. policy towards Cuba) as assassination records under the JFK Act. Challenging the Review Board's authority to designate pertinent records as "assassination records" under the Act, PFIAB, on September 4, requested a document-by-document justification regarding the materiality of the records, the public interest in their release, and whether the information contained therein was available elsewhere. The Board had previously articulated the relevance of the materials to PFIAB and thus considered the requested document-by-document analysis to be unnecessary, burdensome, and ultimately an obstacle to release. At the time of this Report, PFIAB reserved its right to appeal, to the President, any Board decision to release PFIAB records.

Immigration & Naturalization Service. In 1993, the Immigration & Naturalization Service (INS) conducted a records search in response to passage of the JFK Act. Specifically, INS's Assistant Commissioner for the Records System Division directed all INS components to search for records that met the statutory definition of an assassination record. INS designated a Management Analyst for the Headquarters Records Mnagament Branch to receive and process INS assassination records under the JFK Act. Most of the files identified by INS were files on various individuals who had some connection to the assassination story. These file were identified by INS as having been previously made available to Congressional committees, including the HSCA. After consultation with other agencies, INS identified additional files as being pertinent under the JFK Act. (A list of the INS files processed under the JFK Act is set forth in the INS Final Declaration of Compliance). While INS had identified over 65 files to be processed under the JFK Act, none had been transferred to NARA until late 1996. INS ultimately devoted substantial resources to processing these files for release under the JFK Act.

INS had not, at the time of this Report, completed the transmission of its identified assassination records to the JFK Collection. Although INS had forwarded numerous files to the JFK Collection, including files on Lee and Marina Oswald, INS had yet to forward files on certain lesser known figures, some miscellaneous documents from its subject files, and a work file on Carlos Marcello. INS attributes the delay, in part, to the time-consuming processing of referring documents to other agencies for review and awaiting agencies' release of its equities. INS has committed to completing the transmission of all remaining assassination-related files to the JFK Collection.

Office of the Secretary of Defense. The Office of the Secretary of Defense (OSD) had not identified any assassination records after passage of the JFK Act. In October 1995, Review Board staff met with various Department of Defense officials and identified topics and record categories to be searched for under the JFK Act. As a result, offices under the Secretary of Defense were instructed to search for assassination records and, in addition, OSD's archival records In an effort to locate records responsive to the Review Board's additional requests, a "special DIA Task Force worked at the Washington National Records Center in Suitland, MD conducting a page-by-page review of all pertinent pre-1965 Agency file series.After this further review of its archive records, DIA did identify additional assassination-related documents, including those on subjects identified by the Review Board. These records have been placed in the JFK Collection.

were searched. Miscellaneous records were thereafter identified from the Secretary of Defense official correspondence files, including records on Cuba and correspondence with the HSCA.

The OSD (staff of its Directorate for Correspondence & Directives) was diligent in attempting to address the record-related issues raised by the Review Board. The OSD's Records Section ran computerized record searches and inventoried its archive records and ultimately responded to all Review Board searches.

Defense Intelligence Agency. In 1993, DIA forwarded to NARA approximately one box of materials for the JFK Collection consisting mostly of correspondence with the HSCA. After meeting with DIA in early 1997, it became apparent that DIA had not reviewed all of its relevant archive holdings and that DIA needed to review its records from the 1963-64 time period. The Review Board then began to make specific requests for additional information from DIA.

Department of the Army. In response to the JFK Act, the Army conducted in 1993 an "Army-wide canvassing for relevant records." Another canvassing of records was done in 1997. The Army reported that it conducted "a complete review of the 70,000 line item listing of the Army's holdings in the Federal Records Centers . . . ." The Army ultimately identified various assassination records, including: (a) material relating to ballistics research performed by the Army in connection with the assassination; (b) 1965

notes of Pierre Finck, the Army pathologist who participated in the Kennedy autopsy; (c) records of the Army Corps of Engineers relating to the design and construction of the Kennedy gravesite; (d) materials relating to the polygraph examination of Jack Ruby from the Defense Polygraph Institute at Fort McClellan, Alabama; (e) records on Cuba from the files of Joseph Califano, in his capacity as Special Assistant to the Secretary of the Army in the Kennedy administration; and (f) Army intelligence files on various individuals connected with the Kennedy assassination story. In addition, the Army made available microfilm records of the Pentagon Telecommunications Agency, and certain documents from the 1963-64 period were identified as assassination records.

In late 1997, the Review Board staff began to send its requests for additional information to the Army. Army cooperated with the Review Board's requests.

Central Security Facility. The Review Board staff also worked separately with certain components of the Army -- the Army's Central Security Facility (CSF), which maintains Army intelligence records, and the Armed Forces Institute of Pathology (AFIP). The CSF oversees the Investigative Records Repository (IRR), which is the custodian for various Army intelligence investigative files. IRR has released several intelligence files under the JFK Act, including files on Gerald P. Hemming and anti-Castro activists. IRR was highly cooperative in determining whether it had any files on numerous other individuals associated with events of the assassination and, in many cases, confirmed that it had no files for the names submitted. The Review Board requested CSF to determine whether it had any office or work files for certain Army intelligence officials located in the Dallas area in 1963-64, and CSF stated that it had no such files. In addition, the Review Board requested that CSF provide any additional information or documentation with respect to an Army intelligence dossier maintained on Oswald but destroyed in 1973 as part of a program to purge domestic surveillance files. No new information was obtained beyond that developed previously by the HSCA.

Armed Forces Institute of Pathology. The Review Board also worked directly with the Armed Forces instituite of Pathology (AFIP). AFIP designated its Archivist for the National Museum of Health and Medicine to serve as the official responsible for conducting AFIP's searches under the JFK Act. As with the National Naval Medical Center in Bethesda, Maryland, the Review Board sought to identify any records from AFIP that might relate to the autopsy of President Kennedy (Lt. Col. Pierre Finck, one of the autopsy doctors, was Chief of the Wound Ballistics Branch of AFIP at the time). AFIP located some materials of Dr. Finck, including a 1965 report he prepared regarding the autopsy and his 1969 memorandum regarding testimony he gave at the Clay Shaw trial. The Review Board also asked AFIP to check for any 1963-64 files of top AFIP officials who might have had information regarding the JFK autopsy, but no such files were located. AFIP did locate an oral history interview with Dr. Robert F. Karnei, Jr., in which he briefly discusses his role at the JFK autopsy.

Department of the Navy. Files of the Department of the Navy were considered essential in view of Oswald's tenure with the Marines, which is administratively a part of Navy. Under the JFK Act, the Navy identified and placed into the JFK Collection at NARA certain core files relating to Lee Harvey Oswald -- (1) the personnel and medical Marine Corps files for Oswald and (2) Office of Naval Intelligence records on Oswald.

After passage of the JFK Act, the Navy's Criminal Investigative Service transferred, in 1994, the Office of Naval Intelligence (ONI) records that had been maintained on Notwithstanding the Navy's identification of these core materials, the Review Board requested the Navy to inspect additional record categories to ensure that all relevant materials had been identified. In December 1996, the Navy designated two officials within the Office of General Counsel to coordinate the Navy's further search and processing of assassination-related records under the JFK Act. In early 1997, after consultaion with Review Board staff regarding categories of potentially relevant records, an additional search directive was issued by the General Counsel's Office to the Chief of Naval Operations, the Commandant of the Marine Corps, the Judge Advocate General of the Navy, the Naval Criminal Investigative Service, the Secretary of the Navy's Administrative Division, and other components within the Navy. Among the records that the Review Board asked the Navy to inspect were files of the highest officials of the Marine Corps, Office of Naval Intelligence, and the Navy for the relevant time periods encompassing Oswald's to the Soviet Union through the Lee Harvey Oswald.[xxv] In 1995, the General Counsel of the Navy directed that a further review of Navy's files be undertaken pursuant to the JFK Act. This directive went to the Chief of Naval Operations, the Commandant of the Marine Corps, the Naval Investigative Service, and the Naval Historical Center. No additional assassination records were identified at that time. In 1996, the Marine Corps transmitted to the Review Board the original personnel and medical Marine Corps files on Oswald. These were then forwarded to the JFK Collection.

aftermath of the assassination. The Navy did undertake an extensive review of files, including a review of files from the Secretary of the Navy's Administrative Office, the Chief of Naval Operations, and the Marine Corps. (Given the Board's limited time and resources, the Board was not able to confirm the precise identity of files reviewed). As a result, the Navy located miscellaneous documents relating to the Warren Commission and HSCA from files of the Administrative Office for the Secretary of the Navy, including a copy of an unsigned affidavit by the Director of ONI, prepared at the time of the Warren Commission, stating that Oswald was not used an agent or informant by ONI. The Navy did confirm that it had not, however, located the files for the Director of ONI.

Office of Naval Intelligence. Apart from its work with the Navy work under the JFK Act, the Review Board considered it necessary to pursue with ONI separately the matter of ONI records, including 1959-64 files for the Director of ONI. Accordingly,

the Board requested that ONI submit a separate certification of its compliance with the JFK Act. ONI's Final Declaration of Compliance was submitted shortly thereafter. ONI personnel conducted an extensive review of voluminous ONI records held throughout various regonal record centers. And ONI did identify certain records on military defectors that were designated as assassination records. Other than the defector files, however, ONI had not identified any additional assassination-related records and, furthermore, had not been able to account for the files of the head of ONI from 1959 to 1964. ONI also acknowledged that there remained additional ONI records that were not reviewed, but that these would be reviewed under the President's Executive Order 12958 requiring declassification of Government records.

National Naval Medical Center at Bethesda. The Review Board separately pursued with the National Naval Medical Center at Bethesda, Maryland (NNMC) records relating to the autopsy of President Kennedy. The NNMC was highly cooperative and did extensive searches, but it located no records relating to the autopsy with one exception -- an unsigned original of the JFK autopsy report was located in a safe at the NNMC's Anatomic Pathology Division. The NNMC had also located miscellaneous FOIA requests relating to autopsy records. [xxvi] The Review Board As the Review Board had requested, the Air Force did go back and undertake a more targeted search. No additional records, however, were forwarded to the JFK Collection. [xxxi] Afer considereing the Air Force's Final Declaration of Compliance, thereafter asked the NNMC to re-check whether it had any 1963-64 files for the top officials of the NNMC, including Commanders Humes and Boswell, the Naval pathologists who participated in the autopsy. [xxvii] The NNMC re-certified that it had no such files. [xxviii]

Department of the Air Force. In 1995, the Air Force directed certain Air Force commands to undertake searches for assassination records. No assassination records were located except one -- a flight logbook from Andrews Air Force Base that had recorded events at the base on the day of the assassination. [xxix] The Review Board thereafter raised with the Air Force whether it might have custody of other records relating to the assassination. More specifically, the Review Board asked the Air Force to: identify and review the 1963-64 files for the highest officials in the Air Force, including the Secretary of the Air Force and the Chief of Staff for the Air Force; more thoroughly review the files of the Office of Special Investigations for any material relating to Oswald; and determine whether there were any records relating to Air Force 1 on the day of the assassination, including specifically searching for any audiotapes of transmissions to or from Air Force 1 on the day of the assassination. [xxx]

the Review Board requested that a further accounting be made of specific Air Force records, particularly records for the Air Force's Office of Presidential Pilot and the Historical Research Agency at Maxwell Air Force Base in Alabama. [xxxii] The Air Force,

at the time of this Report, had not followed-up on the Review Board's latest request.[xxxiii]

Joint Staff. The Chief, Information Management Division, Joint Secretariat, Joint Staff of the Department of Defense, was designated to oversee the search and processing of records under the JFK Act. Under this official, the Joint Staff searched the archived files for the Joint Chiefs of Staff from the early 1960's, including files of Joint Chiefs Chairmen Lyman L. Lemnitzer, Maxwell Taylor, and Earle G. Wheeler. The Joint Staff estimated that it spent 210 man-hours searching these records. In addition, the Joint Staff was highly cooperative in making these records available for inspection by the Review Board.

While the Joint Staff identified only a handful of records directly relating to the assassination, the Joint Staff identified for release under the JFK Act a substantial number of records relating to Cuba and Vietnam from the early 1960's, including 1962-63 records pertaining to military contingency planning on Cuba. In addition, in response to a Review Board request, the Joint Staff plans to release a classified, three-volume Joint Chiefs of Staff history on the Vietnam War from 1960-68.

In the course of identifying relevant records, the Review Board learned that minutes (and/or transcripts) of meetings of the Joint Chiefs of Staff from 1947 to 1978 had been destroyed. Since these encompassed meetings in 1963 and 1964 which might have been relevant to the assassination, the Review Board requested an accounting of this destruction.[xxxiv] The Joint Staff has explained that, in 1974, the Secretary for the Joint Chiefs of Staff ordered these materials to be destroyed and, at that time, also established a disposition schedule for these kinds of records. In 1978, according to the Joint Staff, the "practice of recording meeting minutes was discontinued . . . ."[xxxv]

White House Communications Agency. The White House Communications Agency (WHCA) had not initially conducted any work under the JFK Act. In early 1997, the Review Board approached WHCA in an effort to determine whether it had retained any archived records from 1963-64 relating to the assassination.

The Review Board formally requested that WHCA search for any 1963-64 records that might have pertained to the assassination.[xxxvi] WHCA located and placed into the JFK Collection an historical file that contained statements of WHCA personnel regarding events on the day of the assassination and, in addition, a WHCA memorandum providing a "list of telephone calls recorded by the White House switchboard on 22 November 1963."

The Review Board further requested WHCA, however, to undertake a broad search for any records reflecting White House communications regarding the assassination, including any communications to or from Air Force 1 on the day of the assassination. The Commander of WHCA did instruct his offices to conduct a search for assassination-related records. WHCA

reported that it had located nothing else, and the Review Board then requested that WHCA certify, under penalty of perjury, that it had no other records from the 1963-64 period that might relate to the assassination. WHCA then certified under oath that it had no records from the 1963-64 time period nor any records relating to their disposition. While accepting WHCA's representations, the Review Board was disappointed that WHCA could neither locate nor account for any of its records from 1963-64.

U.S. Postal Service. In 1993, the Postal Service located its original file on the Kennedy assassination investigation composed of Postal Service investigative reports regarding the assassination. The file had been located among the archived records for the Chief Postal Inspector, and the file was subsequently transferred to the JFK Collection. The Review Board suggested some additional search avenues, and the Postal Service was diligent in following those suggestions, but no other records were uncovered.

Social Security Administration. In response to a directive in 1993 by the Department of Health & Human Services (HHS) regarding compliance with the JFK Act, the Social Security Administration (SSA) inventoried its holdings relating to Lee Harvey Oswald and Jack Ruby. At that time, however, SSA had not transferred any of these records to the JFK Collection, particularly because of the requirement of confidentiality, under Section 6103 of the IRS Code, that attached to tax-related records.

In early 1997, the Review Board staff met with SSA to verify what assassination-related records SSA might have and to determine if any such records could be publicly released. Specifically, the Review Board requested that SSA assemble all earnings-related records that it might have for Lee Harvey Oswald and Jack Ruby, certain quarterly reports filed by Oswald's employers (to verify Oswald's employment history and income), and the original file opened for Marina Oswald's claim for survivor benefits following Lee Harvey Oswald's death.

The SSA was extremely diligent in collecting and assembling these records. Some of these records were considered protected under Section 6103, but the balance were transmitted to the JFK Collection. With respect to the Section 6103 records, the Board requested that they be sequestered by SSA pending later determinations regarding their releasability, and SSA confirmed that this has been done.

As with Oswald's tax returns, the Review Board regrets that Oswald's earnings information and employment history, as contained in employer reports on file with SSA, have not been released to the public as of the date of this Report.

Drug Enforcement Administration. The Drug Enforcement Administration (DEA) was cooperative with the Review Board in making available certain files for review. In May 1998, the Review Board asked DEA to formally process certain records as assassination records under the JFK Act. In addition, the Review Board asked for a formal statement

of DEA's compliance. However, DEA has taken no steps to formally designate assassination records, nor has it submitted a compliance report as requested.

Library of Congress. The Library of Congress did not transmit any assassination records to the JFK Collection after passage of the Act. In June 1994, the Library of Congress responded to an inquiry by the Review Board and reported that it had located no assassination-related records within the classified holdings in its Manuscript Division. In 1996, the Review Board asked the Library of Congress, including the Congressional Research Service, to ensure that it had searched for any non-public records in its custody that might relate to the assassination. No action was taken on the Review Board's request, and the Board made another formal request in October 1997. The Congressional Research Service deferred compliance with the JFK Act pending explicit Congressional authorization. Aside from CRS, however, the Library of Congress did undertake to survey its non-public holdings to identify records relating to the assassination. This entailed review of the Library's closed records in its Manuscript Division.

Thereafter, the Library of Congress filed a formal statement of compliance with the Board and did identify three sets of closed records containing assassination-related materials -- (1) a "duplicate and partial" set of Rockefeller Commission records donated by Vice-President Rockefeller and closed until March 25, 2002; (2) papers of Senator Daniel Moynihan from his tenure as Assistant Secretary of Labor in the Kennedy administration: and (3) papers of an aide to Senator Howard Baker, Howard Liebengood, who did work relating to the assassination for the Senate Intelligence Committee. The Library also identified relevant collections that were open to the public, including papers of Earl Warren, David Atlee Phillips, and Elmer Gertz (attorney for Jack Ruby). In addition, the Library had one piece of correspondence from Lee Harvey Oswald written from the Soviet Union.

Once the relevant closed materials were identified, the Review Board sought the donors' permission to open the records. The Review Board obtained Senator Moynihan's agreement to open his papers relating to the assassination, and the Board has been in the process of obtaining Mr. Liebengood's consent. With respect to the Rockefeller Commission papers, the Library of Congress stated that these were duplicates of the Rockefeller Commission files at the Ford Library. The Ford Library set had been reviewed and processed under the JFK Act for assassination records. The Review Board has requested the Library of Congress to ascertain whether its set of the Rockefeller Commission papers contains any assassination-related materials that have not been released by the Ford Library.

In the Summer of 1998, the Congressional Research Service (CRS) identified approximately one box of CRS memoranda relating to the assassination that were prepared by CRS for the HSCA and other entities. Having received appropriate Congressional authorization, CRS has agreed to forward these materials to the JFK Collection.

NARA and the Presidential Libraries.

The Review Board worked separately with NARA in Washington, D.C., NARA in Fort Worth, Texas, the Ford Presidential Library, The JFK Presidential Library, and the LBJ Presidential Library. The compliance status for each of these entities is set forth below.

NARA, Washington, D.C. NARA has legal and physical custody of numerous U.S. Government records that are transferred to it by federal agencies. Accordingly, the JFK Act required NARA to identify any assassination records that may have been in its legal custody at the time the JFK Act was passed.

After the JFK Act was passed, NARA identified three major record categories in its custody -- (1) records of the Warren Commission; (2) the Main Department of Justice Criminal Division file on the Kennedy assassination; and (3) the main Secret Service file on the assassination. Many of the records within these files were already open to the public when the JFK Act was passed. NARA also identified administrative records for the United States Archivist and Deputy Archivist relating to the handling of assassination-related materials maintained by NARA, including administrative records regarding Warren Commission holdings. In addition, NARA staff identified various federal agencies that had cooperated with the Warren Commission and proceeded to search those records, including records of Treasury and the Department of Justice.

In December 1992, the Assistant Archivist issued a search directive to the staff of NARA requesting that any other assassination-related records be identified, and some miscellaneous records were thereafter included in the JFK Collection. In addition, NARA -- through its Center for Legislative Archives -- opened to the public numerous Congressional records relating to the assassination, including most importantly the records of the House Select Committee on Assassinations (HSCA).

In April 1998, staffs of the Review Board and NARA met to review the status of NARA' identification and release of assassination records. The Review Board asked NARA to confirm that there were no other closed records relating to the assassination that might be among classified or closed files of the highest officials of the Kennedy and Johnson administrations, including certain Cabinet Secretaries. In addition, the Review Board had asked NARA to coordinate with the Administrative Office of U.S. Courts to identify and secure for the JFK Collection court case files for various FOIA suits involving the public's request to open up CIA, FBI, and other agency files on the Kennedy assassination. NARA has been working with the Administrative Office to obtain these court files.

NARA, Southwest Region. NARA had its Southwest regional facility undertake searches pursuant to the JFK Act. That facility is a repository for federal agency records in the Dallas, Texas area. Among the records identified under the JFK Act by the Southwest Region were: (1) court files from

the federal district court in Dallas, Texas with respect to litigation over the rifle used to assassinate President Kennedy (*United States v. 6.5 Mannlicher-Carcano Rifle* and *Marina Oswald Porter v. United States)*; (2) court files for the litigation brought by Claw Shaw against Jim Garrison in federal district The Southwest Region also identified within its custody various medical equipment from Trauma Room No. 1 at Dallas Parkland Hospital. This equipment was purchased from Dallas County in 1973 when Parkland Hospital was being remodeled, and the equipment was placed in storage by NARA at its Southwest Region facility. The Review Board saw no need to have this equipment placed in the JFK Collection and deferred to NARA' decision to retain it in storage.[xxxvii]

In April 1998, Review Board staff met with officials of the Southwest Region at its facility in Fort Worth, Texas. The Review Board sought to ascertain whether the Southwest Region had legal custody of any 1963-64 records for various law enforcement, intelligence, or military agencies with offices in the Dallas region, including Secret Service, ATF, FBI, and the Office of Naval Intelligence. The staff of the Southwest Region confirmed that it had no such relevant records.

The Gerald R. Ford Library. The Ford Library had substantial holdings that were relevant under the JFK Act, including files of the President's Commission on CIA Activities within the United States (the Rockefeller Commission) and papers of former Gerald R. Ford relating to his work on the Warren Commission.The Ford Library first identified assassination records from among materials that were already court in New Orleans (*Clay Shaw v. Jim Garrison*); (3) files from the U.S Attorney in Dallas relating to the litigation over the Oswald rifle; and (4) records of the criminal proceedings against Jack Ruby, also obtained from the U.S. Attorney in Dallas.

open to researchers, including records from Gerald Ford's Congressional and Vice-Presidential papers and records of Ford Administration officials.[xxxviii] As a result of these searches, the Ford Library transmitted approximately six cubic feet of records to the JFK Collection in August 1993. The Ford Library also searched its unprocessed or closed "national security collections." This encompassed a review of the Rockefeller Commission files, as well as files of President Ford's National Security Advisor and the Presidential Counsel to the extent the files related to intelligence investigations of the mid-1970's (*i.e.,* the Rockefeller Commission and Church Committee investigations). The Ford Library reviewed approximately 240,000 pages from more than 20 different closed or unprocessed collections, and the Library selected approximately 1,400 documents (11,500 pages) for processing under the JFK Act. Thereafter, the Ford Library worked with the Review Board in having the relevant agencies release these identified records.

The John F. Kennedy Library. The identification of assassination records within the holdings of the JFK Library presented a challenge to both the Library and the Review Board in view of the extensive material relating to, and originated by, officials within the Kennedy administration.

After passage of the JFK Act, the JFK Library staff undertook an extensive review of Kennedy administration records, personal papers, and oral histories in it possession. In particular, the JFK Library reviewed its closed or "unprocessed" holdings to identify assassination records. Among the records reviewed were President Kennedy's National Security files and Office files. The Library staff had also reviewed material made available to investigative bodies in the 1970's such as the Church Committee. In addition, the Review Board staff, with the Library, reviewed the classified Attorney General file series of Robert F. Kennedy. In addition, the Library reviewed numerous record collections from Kennedy administration officials, as well as numerous oral history interviews of such officials. Many of these were designated as assassination records.

By March 1995, the JFK Library had transmitted to the JFK Collection 33,000 pages of documents identified under the JFK Act. These included papers of President Kennedy, Robert F. Kennedy, C. Douglas Dillon,Theodore Sorenson, Burke Marshall, David Broder, Chet Huntley, and Arthur Sclesinger to name just a few. In addition, records from the Kennedy White House were also transmitted. These included records from the National Security files, the White House Central Subject files, and the President's Office files. In addition, the Library sent all or parts of numerous oral history interviews to the extent they touched upon the Kennedy assassination. Additional materials were sent later, including Teddy White's "Camelot papers," which contained notes of his interview with Jaqueline Kennedy for *Life* magazine, and Evelyn Lincoln's records consisting of log books, daily diaries, and appointment books for President Kennedy. Finally, the JFK Library has stated that all remaining closed dictabelts of President Kennedy's telephone conversations, as well as 25 hours of audio recordings of President Kennedy's meetings, will be released this Fall. The Library has also represented that all remaining audio recordings of Kennedy meetings will be released by 1999 under Executive Order 12958.

The Review Board wanted to ensure that the Library had reviewed and identified all relevant records in its custody, particularly records that were closed and unavailable to researchers. Therefore, the Review Board submitted to the JFK Library, in July 1998, a detailed set of questions regarding the Library's record searches and work under the JFK Act. The questions were to be answered by Library officials, under penalty of perjury, in the Library's Final Declaration of Compliance. The Library submitted its Final Declaration shortly thereafter. The JFK Library certified that "[a]ll records of President Kennedy, Jacqueline Kennedy Onassis, Evelyn Lincoln, and Robert F. Kennedy in the custody of the Library have been reviewed under the JFK Act." The Library had also advised the Board that that further review of Robert F. Kennedy's papers had resulted in the identification of additional assassination records that would need to be processed for release. In addition, approximately 150 RFK documents previously identified for release were still in the process of declassification or review by the RFK Donor Committee at the time of this Report. [xxxix] While recognizing the extensive work of the JFK Library and its

significant contribution to the JFK Collection, the delay in identification and release of RFK papers has been a disappointment.

The JFK Library, at its suggestion, briefed the members of the Review Board in August 1998 with respect to the work of the Library under the JFK Act. At that presentation, the Review Board was given assurances by the Library, in the strongest terms, that it was committed to completing release of all assassination-related records, including the RFK records.[xl]

The Lyndon B. Johnson Library. The LBJ Library has extensive records that were reviewed pursuant to the JFK Act. The Library holds 505 collections of personal papers, 59 bodies of federal records, and 1,227 processed and deeded oral history interviews. Even before the JFK Act was passed in 1992, the Library, beginning in 1980, identified and made available materials that it had relating to the assassination of President Kennedy.[xli] In 1993, the LBJ Library transmitted to the JFK Collection material on the assassination from the LBJ White House Central files, White House Confidential files, and the National Security files; the Library's "Special File on the Assassination of President Kennedy," which was assembled by the White House in late 1966 as a reference file to respond to allegations in William Manchester's book, *The Death of a President;* President Johnson's daily diary records recording his appointments and phone calls made during the period following the assassination; office files of various White House aides, White House telephone office records; personal papers of Under Secretary of State George Ball, Attorney General Ramsey Clark, and John Connally; and numerous oral history interviews. Tapes of President Johnson's conversations relating to the assassination (dating mostly from 1963, 1964, and 1967 [the time of the Garrison investigation and publication of the Manchester book]) were later forwarded to the JFK Collection later.

In the Spring of 1997, The Review Board staff conducted a comprehensive review of LBJ Library National Security Files (NSF), closed oral histories thought to be of possible interest to the assassination, and various manuscripts, archives and office files of key officials. The staff identified more than 300 additional assassination records. The Review Board coordinated with various agencies in getting these records declassified. As they were reviewed under the standards of the JFK Act, nearly all of these records were opened in full.

Finally, the LBJ Library has represented that tapes of all of President Johnson's recorded telephone conversations through October 1964 will have been released by September 1998. This release will include six previously closed recordings of President Johnson's telephone conversations with Jacqueline Kennedy in December 1963 and January 1964. Additional telephone conversations identified as assassination-related will also be released this September, including two involving McGeorge Bundy. The Library plans to continue release of the LBJ tapes (post-October, 1964) in chronological order, and has represented that additional converstaions relating to the assassination will be forwarded to the JFK Collection.

General Services Administration. The General Services Administration (GSA) did no initial work under the JFK Act. The Review Board approached GSA in 1997 with respect to whether it might have records relating to the assassination. This approach was made because NARA, until 1984, was under the auspices of GSA. Therefore, the Review Board wanted to ensure that GSA did not have records relating to NARA' handling of Warren Commission materials or the handling of the JFK autopsy photos and x-rays. GSA did identify files for the top officials of GSA from the 1960's but these were already at NARA and fully available to the public. No closed records relating to the assassination were identified by GSA.

Congressional Records. In addition to Executive Branch records, the Review Board worked with various Congressional Committees, and NARA, to ensure disclosure of various Congressional records relating to the assassination. The two most important record groups in this regard were the records of the two Congressional Committees that conducted independent investigations of President Kennedy's assassination --- the Church Committee in 1975-76 and the House Select Committee on Assassinations in 1977-78. In addition, the Review Board sought to ascertain whether there were relevant records among certain other Congressional Committees.

The House Select Committee on Assassinations (the HSCA). The files of the HSCA embody the collective work of that Committee in investigating the assassinations of President Kennedy and the Reverend Martin Luther King. After issuance of the HSCA's report in 1979, the voluminous files of the HSCA were placed in storage and were to be kept under seal until 2029 (*i.e.*, 50 years from 1979). Because these were Congressional records, they were notcovered by the FOIA. It was Oliver Stone's film, *JFK*, that underscored the existence of these closed files and the fact that they would not be released until 2029. After passage of the JFK Act, opening the HSCA files was among the highest priorities. The NARA opened the JFK assassination portiion of the HSCA files after consultation with the agencies that had equities in the records.

Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the Church Committee). Records of the Church Committee, like the HSCA records, were vitally important. The Review Board made extensive efforts to ensure disclosure of as many of the relevant records as possible. The Church Committee, in 1975-76, investigated a host of issues involving the performance of the intelligence agencies. While many of these issues did not come within the coverage of the JFK Act, the Church Committee did investigate the Kennedy assassination, as well as the issue of foreign assassination of political leaders.

After passage of the JFK Act, the Senate Select Committee on Intelligence inventoried the original records of the Church Committee (some 450 boxes) and transmitted approximately 40 boxes of assassination-related records to the JFK Collection. This represented a significant effort by the Committee, as well as by the

agencies that reviewed and declassified the records. The NARA, however, surveyed the records placed in the Collection and concluded that testimony directly relevant to the Kennedy assassination (and cited in the Kennedy assassination report of the Church

In 1997, the Review Board wrote to the SSCI and, again, raised the issue of identifying and processing testimony directly relevant to the Church Committee's investigation of the Kennedy assassination, as well as testimony regarding alleged CIA plots against foreign leaders. The SSCI was cooperative and diligent in attempting to locate and forward the specific transcripts that had been identified by the Review Board and NARA. Throughout 1997-98, the SSCI identified and produce scores of microfilmed copies of the requested transcripts. This testimony ultimately was processed and placed into the JFK Collection. The transcripts included testimony of FBI and CIA officials who worked on the assassination investigation, as well as officials who testified regarding the alleged assassination plots against Fidel Castro. Among the officials whose testimony was released were Secretary of Defense Robert McNamara; Deputy Secretary of Defense Roswell Gilpatric; Special Assistant for National Security McGeorge Bundy; former Directors of Central Intelligence John McCone, Richard Helms, and William Colby; Deputy Director of Central Intelligence Marshall Carter; CIA officer John Scelso (alias); Secret Service Chief James Rowley; and FBI officials involved in the assassination investigation such as Assistant FBI Director Alex Rosen, SAC for the Dallas Field Office Gordon Shanklin, and FBI Agent James Hosty.

Committee) was not included in the released materials. For approximately two years, the SSCI did not explain or rectify this crucial gap in the records provided to NARA.

While the SSCI had by and large been successful in obtaining the microfilmed transcripts requested by the Board, the Review Board remained concerned that the *original hardcopy transcripts* for this testimony, and any accompanying materials, had not been located by the SSCI or otherwise accounted for. The Review Board asked to have all 450 boxes of original Church Committee files made aavailable for its inspection. Again, SSCI was cooperative and arranged to have the original Church Committee available for the Board's inspcetion (the originals had not previously been reviewed by either staffs of NARA or the Review Board). The Review Board staff inspected all the original files, and additional materials were designated as assassination records. However, the Hart-Schweiker materials, namely the hardcopy of testimony cited in the JFK Assassination Report, were not among the materials. Although microfilm copies of this testimony were available, the Review Board specifically asked the SSCI to explain the absence of the hardcopy files, particularly since they were a discrete aand significant body of records relating to the Kennedy report. At the time of this Report, the SSCI could not explain the absence of these original transcripts (and perhaps accompanying materials) relating to the Kennedy assassination, and this was and remains an important records issue that should be resolved.

House Select Committee on Intelligence (the Pike Committee). In 1975, the Pike Committee looked into various issues regarding the intelligence community. The Pike Committee also looked into certain discrete, limited issues regarding the assassination of President Kennedy. The Pike Committee records have been under the custody of the House Permanent Select Committee on Intelligence (HPSCI). HPSCI identified approximately three boxes of assassination-related records of the Pike Committee and has placed them into the JFK Collection.

House Judiciary's Subcommittee on Civil & Constitutional Rights, Chaired by Congressman Don Edwards (the Edwards Subcommittee). In 1975 and 1976, the Edwards Subcommittee investigated the FBI's destruction of a note that Lee Harvey Oswald had left with the Dallas Field Office prior to the assassination of President Kennedy. The Review Board raised with NARA (Center for Legislative Archives) the issue of whether they had any original files for this Subcommittee, and the legislative staff could not identify any such files within its Judiciary Committee holdings. The Review Board also asked the Clerk's Office for the House of Representatives to assist in locating these records. Unfortunately, no original records for this Subcommittee have been located, although copies of some of these records can be found in the HSCA Collection.

House Government Operation's Subcommittee on Government Information and Individual Rights, Chaired by Congresswoman Bella Abzug (theAbzug Subcommittee). In 1975 and 1976, the Abzug Subcommittee looked into issues relating to access to Warren Commission records and the destruction of FBI records. It was the Review Board's understanding that these records remained closed pursuant to House Rules. In 1996, and again in 1997, the Review Board sought Congressional authorization to have any assassination-related records within the Abzug Subcommittee files reviewed and released under the JFK Act. After receiving the appropriate Congressional authorization, the Review Board staff inspected the original files of the Abzug Subcommittee and designated various materials for release under the JFK Act. including materials regarding public access to Warren Commission records and regarding destruction of FBI files.

House Committee on Un-American Activities (HUAC). During the 1950's and 1960's, this Committee investigated "un-American" activities of various individuals and groups. In the summer of 1996, the staff of the Center for Legislative Archives (part of NARA) did an initial survey of the HUAC files and identified files on Lee Harvey Oswald, Marina Oswald, the Fair Play for Cuba Committee (FPCC)(with which Oswald was associated), and Mark Lane (a Warren Commission critic). It was the Review Board's understanding that these records were closed for a 50-year period pursuant to House Rules.

In November 1996, the Review Board requested that Congress make these records available for inspection by the Review Board to confirm whether the records initially identified by NARA staff were

assassination records within the meaning of the JFK Act and, thus, should be released to the public. The Review Board received no responses and raised the matter again in 1997. In January 1998, the Clerk's Office sought permission from the Judiciary Committee to open up the HUAC files for Review Board inspection. This authorization was denied, and the Review Board appealed directly to House Judiciary Chairmen Henry Hyde to facilitate the release of assassination-related records within the HUAC files. The Review Board was then advised that the House Parliamentarian would consider whether the JFK Act superseded the House Rule closing HUAC records for 50 years. The Review Board again argued to the House that the HUAC The Review Board was given appropriate Congressional authorization to inspect files of the Senate Select Committee on Improper Activities in the Labor or Mnagament Field (the Mclellan Committee). This Committee investigated labor practices in the late 1950's; then Senator John Kennedy was a member of the Committe and Robert F. Kennedy was Chief Counsel. The records of the Committee include information on organized crime figures. It was determined that the records of the Committee did not qualify as assassination records under the JFK Act. [Doublecheck]

The Review Board surveyed the indices to 1949-51 records of the Senate Special Committee to investigate Organized Crime in Interstate Commerce (the Kefauver Committee). Given the remoteness in time from the events of the assassination, no records of the Kefauver Committee were designated as assassination records. records were fully subject to the JFK Act, notwithstanding the 50-year closure rule of the House.

At the time of this Report, Congress had refused to release, or even make available to the Review Board, the HUAC files identified as potentially relevant to the assassination, including the files on Lee and Marina Oswald.

Other Congressional Records. The NARA and Review Board staffs also examined certain other Congressional records to identify any materials that might be considered "assassination-related" under the JFK Act.

Moreover, Congress has authorized NARA to open these records in 2001.

The Review Board and NARA identified certain records of the Senate Judiciary's Senate Internal Security Subcommittee (the Eastland Committee) for review under the JFK Act. Thirteen transcripts of executive session testimony were subsequently identifed for release under the JFK Act. These were processed by the Center for Legislative Archives and transmitted to the JFK Collection. The records included 1961 testimony of Edwin Walker and December 1963 testiminy of Ruth Paine. In addition, the Center for Legislative Archives transmitted to the JFK Collection three boxes of press clippings reagrding Lee Harvey Oswald and the assassination (which were previously open to the public for many years).

C. Conclusion

For the most part, following passage of the JFK Act, agencies attempted to search for and release their records relating to the Kennedy assassination. Most importantly, this was the case with the major agencies, such as the FBI, CIA, State Department, Department of Justice, Secret Service, NARA, and the Presidential Libraries, that would be expected to have core materials relating directly to the assassination. In some cases, particular agencies conducted searches after the Review Board notified them of their obligations.

By initiating a compliance program, the Board made a decision that it would require the relevant agencies to affirmatively document their work under the JFK Act, With some limited exceptions, almost all of the federal entities discussed in this chapter have explained and certified, under penalty of perjury, their efforts to locate and release all relevant records on the assassination of President Kennedy. The Board hopes that these statements, under oath, will enhance the public's confidence that the United States Government has, in good fatih, attempted to release all records on the Kennedy assassination without regard to whether the information may support or refute any particular theory about the assassination.

including certification that they had conducted diligent searches for assassination records. This requirement of formal accountability, the Board beleieves, fostered high levels of agency cooperation and openess with the Review Board. It should be noted that the individual officials who represented the agencies, and who were responsible for preparing the compliance statements, were highly professional and cooperative in meeting the substantive and procedural requirements of the compliance program. For example, agency officials were diligent in trying to meet deadlines of the Board and in making themselves available for meetings with Board staff.

i. 44 U.S.C. § 2107 (2)(a)(3).

ii. Many of the descriptions of agency's efforts to comply with the JFK Act were obtained from the inital or final certifications that the agencies submitted to the Review Board. Where appropriate, this chapter cites the certifications.

iii. *See id*., at Attachment II.

iv. *See id*.

v. CIA Final Declaration, Declaration of Edmund Cohen ¶ 3.

vi. Id. ¶ 4.

vii. *See* FBI Final Declaration of Compliance (dated August 20, 1998).

viii. *See* Secret Service Initial Statement of Compliance (dated April 30, 1997).

ix. *See* March 28, 1996 and July 31, 1995 Secret Service Letters to the Review Board (attached to the Secret Service's Final Declaration of Compliance).

x. *See* NSA Final Declaration of Compliance (dated August 18, 1998).

xi. *See* State Department Final Declaration of Compliance (dated March 18, 1998); Review Board Staff Memorandum (dated April 23, 1997).

xii. *See* October 31, 1995 OIP Letter; OIP Final Declaration of Compliance (dated August 6, 1998).

xiii. *See* OIP Initial Statement of Compliance (dated February 20, 1997); March 31, 1997 Review Board Letter to OIP.

xiv. *See* Civil Division Final Declaration of Compliance (dated July 29, 1998).

xv. *See* Civil Divison Final Declaration of Compliance.

xvi. *See* Civil Rights Division Final Declaration of Compliance (dated July 2, 1997).

xvii. *See* Nov. 1, 1996 and Febr. 20, 1997 Review Board Letters to ATF.

xviii. *See* ATF Final Declaration of Compliance; Nov. 4, 1997 Review Board Letter to ATF.

xix. *See* ATF Final Declaration of Compliance.

xx. *See* Nov. 5, 1997 Review Board Letter to IRS.

xxi. *See* IRS Final Declaration of Compliance.

xxii. *See* Customs Service Final Declaration of Compliance.

xxiii. In the Spring of 1997, Marina Oswald provided to the IRS a limited consent to have Lee Harvey Oswald's tax returns released to Ray and Mary La Fontaine, authors of *Oswald Talked: The New Evidence in the JFK Assassination.* While Marina Oswald declared her intent to have the La Fontaines ultimately release these returns to the public, they have not done so to our knowledge [confirm that IRS sent the returns to the La Fontaines]. The IRS continues to feel constrained under Section 6103 from publicly releasing the Oswald tax returns obtain the information from the IRS.

xxiv. *See* NSC Final Declaration of Compliance (dated April 30, 1998).

xxv. Copies of these ONI records were also located in the files of the HSCA, and they were released along with the other HSCA files.

xxvi. *See* NNMC Final Declaration of Compliance (dated June 27, 1997).

xxvii. *See* November 10, 1997 Review Board Letter to the NNMC.

xxviii. *See* December 23, 1997 NNMC Supplemental Declaration of Compliance.

xxix. *See* Air Force Initial Statement of Compliance (dated January 14, 1997).

xxx. *See* February 21, 1997 Review Board Letter to the Air Force.

xxxi. *See* Air Force Final Declaration of Compliance (dated November 21, 1997).

xxxii. *See* March 9, 1998 Review Board Letter to the Air Force.

xxxiii. *See* August 3, 1998 Review Board Letter to the Air Force.

xxxiv. *See* January 2, 1997 Review Board Letter to the Joint Staff.

xxxv. *See* Joint Staff Final Declaration of Compliance (dated November 13, 1997).

xxxvi. (*see* Febr. 28, 1997 Review Board Letter to WHCA

xxxvii. In addition to records identified by the Southwest Region of NARA, the Southeast Region had identified some papers of Senator Richard Russell relating to his work on the Warren Commission. (The NARA had been providing courtesy storage for these papers on behalf of the University of Georgia). *See* NARA Initial Statement of Compliance. The relevant papers have been forwarded to the JFK Collection. [Confirm]

xxxviii. Among the Ford papers transmitted to the JFK Collection were excerpts of interviews with President Ford conducted by Trevor Armbrister in connection with the writing of Ford's memoirs, *A Time to Heal. See* Ford Library Final Declaration.

xxxix. Since the RFK papers are subject to a deed of gift, their release must be approved by the RFK Donor Committee.

xl.In addition, the JFK Library is releasing the RFK and other papers pursuant to the declassification requirements of Executive Order 12958.

xli.These materials were identified in a detailed index entitled, "Guide to Materials from the Johnson Library Pertaining to the Assassination of John F. Kennedy." *See* LBJ Initial Statement of Compliance, at Attachment F. The LBJ Library stated that the records identified on this index were transmitted to the JFK Collection in August 1993. *See id.*