

Assassination Records Review Board

600 E Street NW ■ Second Floor ■ Washington, DC 20530

August 7, 1995

DRAFT

8/7/95 11:37am

HAND DELIVERED

Mr. W. Ralph Basham
Assistant Director
Office of Administration
United States Secret Service
1800 G Street, N.W.
Washington, D.C. 20006

Re: Secret Service Records Related to President Kennedy

Dear Mr. Basham:

I am writing in response to your letter of July 31, 1995. Although you concluded your letter by stating that you "trust this explanation will clarify any misunderstandings that may have arisen," I regret to say that not only does your letter not allay our concerns, it compounds them. I re-emphasize and expand the point made by Chairman Tunheim in his letter to Mr. Bowron, *the Secret Service must not destroy any additional records from the period 1958 through the Johnson Presidency related to presidential protection or any records related to the assassination until the Assassination Records Review Board has had an opportunity to review the files.*

Secret Service Destruction of Assassination Records

The President John F. Kennedy Assassination Records Collection Act (JFK Act) forbids the destruction any documents "*created or made available for use by, obtained by, or [that] otherwise came into the possession of . . . the Select Committee on Assassinations . . . of the House of Representatives.*" 44 U.S.C. § 2107.3(2) (emphasis added). It is our understanding that the records in Accession 87-75-0004 that the Secret Service destroyed were examined by the House Select Committee on Assassinations and thus *were "assassination records" under the JFK Act and they were destroyed in violation of law.*

We see the destruction of these assassination records as particularly ominous in light of the fact that the Secret Service revised its destruction schedule *after* passage of the JFK Act and that it targeted for destruction records that, at the time the law was passed, were slated to be held "permanently."

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Rather than referring to and applying the standards of the JFK Act, your letter suggests that the responsibilities of the Secret Service extend no further than complying with standard records disposal schedules. After acknowledging that the Secret Service in fact destroyed records in 1995 from Accession 87-75-0004 (related to the protection of President Kennedy), you state that they were "processed in accordance with National Archives and Records Administration (NARA) procedures, and in full conformance with approved records disposition schedules." The JFK Act, it should be clear, supersedes any law or any disposition schedule related to "assassination records." *See* 44 U.S.C. § 2107.11.

Requests to Secret Service to Clarify Destruction of Records

In order to document the extent to which the Secret Service established appropriate guidelines for reviewing material in Accession 87-75-0004 -- as well as all other records covered by the JFK Act -- I am requesting the following information be provided to the Review Board by close of business on August 11, 1995:

1. The names and titles of *all* Secret Service personnel (and others outside the Secret Service) who examined Boxes 1 and 6 of Accession number 87-75-0004 and concurred with the decision to destroy these records.
2. *All* notes, memoranda, reports, and written documentation created by individuals who participated in the decision to destroy materials in Accession 87-75-0004. This should include all materials related to the revision of records schedule N1-87-89-1. (There is no need to duplicate materials enclosed with your July 31, 1995, letter.)
3. Any other notes, memoranda, reports, or written documentation created after enactment of the JFK Act in 1992 that pertain to revising records retention or destruction schedules or that pertain in any way to the destruction of records related to presidential protection from 1958 to 1969 the assassination of President Kennedy.
4. All records and memoranda that discuss, describe, or explain the Secret Service's implementation of the JFK Act.

Continued Requests for Records

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I would like to reiterate our requests for copies of the following records:

1. Accurate copies of *all* Secret Service *inventories* of records from 1958 through 1969 (including SF 135s, and any other lists, catalogues, or indices of such records. You should include the complete "01" list of Secret Service holdings at WNRC.)
2. The following files from Accession number 87-75-0004 (that, according to your letter, were not destroyed): 602.111 Other Places Folder #6-July-Nov. 1963; 602.111 Key West, Fla. 3-26-61; 602.111 New York 4-27-61.
3. The trip file for New York City on November 8, 1963.

Response to statements in July 31 letter

There are a few comments in your letter with which we must take exception.

For example, the Secret Service did not arrange "several trips" to your off-site facility for Dr. Zimmerman, Senior Analyst at the Review Board. In fact, Dr. Zimmerman visited Centre Pointe twice--once for two and one-half hours and a second time for six hours. Despite her request for photocopies of some of these materials, no records or copies of inventories have yet been provided.

Dr. Zimmerman also requested that Mike Sampson provide copies of materials in his possession that clearly qualify as assassination records and that the Secret Service has not, as of this date, even begun to designate or process under the JFK Act. No copies of this material have been provided to the Review Board, and the Secret Service has offered no evidence that any of the materials in the Archives at 1800 G Street are even under review. Nor has any inventory of materials in the Secret Service Archives been provided. The existence in the Archives of, for example, two boxes marked "John F. Kennedy Assassination"--not to mention significant materials at Suitland and Centre Pointe--does not support your claim that the Secret Service has finished its search for and review of assassination records.

We also disagree with your characterization of the discussion of the FOIA request, although we will take up that issue later. Once again, we request that you instruct all Secret Service officials to cooperate fully, completely, and truthfully with the Assassination Records Review Board. We also request that you review the JFK Act with all Secret Service officials responsible for locating and reviewing Secret Service records. Such a review should clarify your obligations under the

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statute--obligations that are as yet not fulfilled.

I am requesting that this material be provided to the Review Board staff no later than noon on Monday, August 14, 1995.

I appreciate your stated assurance that the United States Secret Service takes seriously the requirements of the JFK Act. To that end, we specifically request that you assure us that *no* Secret Service records related to President Kennedy or to his assassination be destroyed *until* the Review Board has received prior written notice and has had an opportunity to inspect the records.

I trust that you are willing to act promptly to remedy the issues identified in this letter.

If you have any questions, please contact me at 202-724-0088.

Sincerely yours,

David G. Marwell
Executive Director

cc: Mr. Eljay B. Bowron
Director
United States Secret Service

John Kelleher, Esq.
Chief Counsel
United States Secret Service

Mr. John Machado
Chief
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