

Assassination Records Review Board FY 1996 Report

Cover Letter

I. Introduction to the Assassination Records Review Board

- A. Background and Need for the Act
- B. Key Provisions of the Act
- C. Authority of the Assassination Records Review Board
- D. The Review Board Members
- E. Review Board Staff
- F. Infrastructure Update

Note: This is where we had "Start-up" last year's report. I thought that we deal here with an update on computer system, staff issues, records handling; essentially building on what we said last year.

II. Financial Report

III. Progress on Review of Assassination Records

- Introduction with total numbers
- By Agencies with numbers
 - Record highlights

Consent Releases Here

IV. The FY 1996 Calendar for the Review of Assassination Records

A. Review Board Meetings Actions and Public Hearings

1. Board Meetings

- Need numbers
- Description of records (more details under agency reviews?)
 - CIA Oswald 201 File
 - FBI "core" files
 - Designation of additional files (here or under agency review; Secret Service and FBI Giancana files)

2. Public Hearings

- a. CIA "Sequestered File" Hearing on August 6, 1996
- b. Los Angeles Public Hearing on September 17, 1996

3. Special Projects

- a. Medical Evidence

Medical Evidence Inquiry

As many of you are aware, the Review Board has several ongoing areas of investigation relating to different categories of assassination records. One of these investigations of records involves the medical evidence in the assassination. As part of our review of the medical evidence, we have deposed the three principal pathologists involved in President Kennedy's autopsy: Drs. James Humes, "J" Thornton Boswell, and Pierre Finck, as well as the autopsy photographer, John Stringer.

Our work in the area of the medical evidence has led to many questions by researchers. I would like to take this opportunity to make several points and answer some of your questions.

First, some general points regarding the Board's mandate as it relates to the pursuit of the medical evidence. The Board is not authorized by the JFK Act to reinvestigate the assassination. The mandate of the Board is to make the JFK Collection at the National Archives as complete as possible and available to the American public. Although the Board was not obligated to delve into the many controversies surrounding the medical evidence, it recognized the importance of the medical issues and the confusion surrounding records related to the autopsy.

Second, the only way to fairly and reasonably judge the results of the depositions of the autopsy doctors is to review the transcripts of the depositions. The Board has stated that those transcripts will be made public upon the conclusion of the Board's inquiry into the medical evidence; likely to be by the end of this year. This decision to hold off on the public release of the transcripts for now is important to ensure the integrity and professionalism of the inquiry into the medical evidence while it continues.

Third, through the passage of the JFK Act, the Congress created a part-time citizens board with a full-time professional staff. The Congress clearly envisioned an experienced and professional staff taking on major responsibilities at the direction of the Board. That is exactly what has occurred in this matter. The several members of the staff, including the Executive Director and the General Counsel, who were involved in the depositions, were extraordinarily well prepared. Significant time and resources went into the effort and the results will demonstrate it.

Fourth, preparation for the depositions involved input from members of the research community, as

well as outside medical consultation, study of relevant materials from all past government investigations, and a careful review of all the relevant available literature on the subject. From the very beginning, the Board has received correspondence with suggestions, leads, and requests related to the medical evidence. All of the information received has been carefully reviewed and, in many instances, has been helpful.

- b. Photographic record
- C. BRILAB
- d. Foreign Government Records

(opportunity to discuss problems with State Department)

IV. Estimated Volume of Assassination Records for Review

V. The Record Review Process and Compliance with the JFK Act

A. Federal Agencies

List

Note: Need Rundown on All from staff

Note: FBI appeals

Swiss Records Results (was it in fy 95 report?)

Military Records

CIA Station Issues - Substitute language - anyplace else for this
under comments on the statute

B. Search and Acquisitions of State, Local and Private Records

1. Veazey Film
2. New Orleans Records to Archives
 - a. Garrison and Wegmann
 - B. MCC
 - C.

March 7, 1996

The Review Board announced today that it has subpoenaed records from the investigation into the assassination of President Kennedy conducted by former New Orleans District Attorney Jim Garrison. The records are held by current New Orleans District Attorney Harry Connick. Connick has failed to comply with the subpoena.

A federal judge in New Orleans did not grant a motion by the District Attorney to quash the subpoena, and ordered the parties to arrange for a convenient time for the transfer of documents to the Review Board. Connick has failed to comply with the judge's order and the Board is now seeking enforcement of it.

The subpoena required the District Attorney to produce "all documents and records in [his] possession, custody or control relating to the assassination of President John F. Kennedy, including but not limited to handwritten notes, memoranda, drawings, photographs, tape recordings, and correspondence that relate to the investigation and prosecution of Mr. Clay Shaw by former New Orleans District Attorney Jim Garrison, with the exception of any grand jury materials still extant in the possession of the District Attorney's Office."

Connick did not produce the records by February 16, 1996, as required by the subpoena. On February 16, Judge Marcel Livaudais, Jr., of the U.S. District Court for the Eastern District of Louisiana, ordered the Review Board and Connick to find "a mutually agreeable time for production of the documents in New Orleans." Connick has failed to agree to a time to produce the documents. The Review Board filed papers today in the U.S. District Court in New Orleans seeking enforcement of Judge Livaudais' order.

April 9, 1996

The Review Board announces the release of records from the private files of former New Orleans District Attorney Jim Garrison and from the files of Edward Wegmann, a member of Clay Shaw's defense team. Garrison conducted an investigation into the assassination of President Kennedy in the late 1960's.

"These are the first private records that the Board has made a part of the JFK Collection," said the Honorable John R. Tunheim, Chair of the Review Board. "The Garrison investigation into the Kennedy assassination is an important part of the history of this case. As a result of the generosity of both the Garrison and Wegmann families, the public will be able to gain further insight into the investigation from two very different views. I hope their contributions will serve as a model for others who possess records that should be part of the JFK Collection and available to the public."

After being approached by the Review Board, the late Jim Garrison's family agreed to donate a collection of records on the assassination of President Kennedy that Garrison had kept at his residence. The collection includes records from his assassination investigation and prosecution of Clay Shaw, as well as other files on individuals or subjects that Garrison thought were connected to the assassination. There are approximately 15,000 pages in the Garrison collection.

The family of the late Edward Wegmann, who was a member of the legal team which defended Clay Shaw at his 1969 assassination conspiracy trial, agreed to donate Mr. Wegmann's files to the JFK Collection. Some of the documents in the Wegmann collection came from the office files of District

Attorney Garrison. William Gurvich, an investigator for Garrison, made copies of many internal memoranda and witness interviews from the District Attorney's files when he left the office after becoming disenchanted with Garrison and the investigation. He turned the documents over to Shaw's attorneys. There are approximately 6,000 pages in the Wegmann collection.

The original documents being released today have been transferred to the National Archives and Records Administration for inclusion in the President John F. Kennedy Assassination Records Collection, which is housed at the National Archives facility in College Park, Maryland.

3. Priscilla McMillan
4. Tom Alyea
5. Connick
note: the litigation could be discussed elsewhere, too
6. Dave Powers
7. DRE-Miami Records

F. Dallas Trip

1. Sixth Floor Museum
2. Dallas Municipal Archives
3. Newspapers
4. Amateur photographers

V. Outreach

Mailing List
COPA Appearance
Professional Associations
Journal and Newsletter Pieces

Appendices

ADDITIONAL NOTES:

Any conclusions to mention:

1. 201 Oswald File
2. Warren Commission Documents?

Regulations to Announce?

Section on Board Decisions and Policies on Records Review

- a. no social security numbers released
- b. Privacy concerns
- c. crypts

Scelso

Work in meetings with various agencies

Consent Releases

- a. Numbers
- b. Description of process
- c. Influence of the Board

ASSASSINATION RECORDS REVIEW BOARD
FY 1995 REPORT

I.I. Introduction to the Assassination Records Review Board

The Assassination Records Review Board is an independent federal agency that was created to oversee the identification and release of records related to the assassination of President John F. Kennedy.

The Review Board was established by the President John F. Kennedy Assassination Records Collection Act of 1992 (PL 102-526, the "Act"), which received broad bipartisan support and was signed into law by President Bush. The five members of the Board were appointed by President Clinton, confirmed by the U. S. Senate, and sworn in on April 11, 1994. The act gives the Assassination Records Review Board the mandate and the authority to identify, secure, and make available all records related to President Kennedy's assassination.

The Board has until October 1, 1997 to fulfill its mandate.

Background and Need for the Act

On November 22, 1963, President John F. Kennedy was assassinated while traveling in a motorcade in Dallas, Texas. His tragic death and the subsequent murder of Lee Harvey Oswald, the President's alleged assassin, led to the creation of the Warren Commission seven days after the assassination.

Continuing public suspicion and speculation that all of the facts surrounding the assassination had not come to light led the House of Representatives to establish the House Select Committee on Assassinations (HSCA) in 1976 to reopen the investigation.

In addition to these two major federal investigations devoted to investigating the assassination of President Kennedy, four other federal investigatory bodies have dealt with the assassination to some degree. President Ford created The Rockefeller Commission in 1975 to investigate Central Intelligence Agency activities within the United States. Part of the Commission's efforts related to the Kennedy assassination. Also in 1975, Congress created the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the Church Committee) and the House Select Committee on Intelligence (the Pike Committee). Some of the work of these committees was related to the assassination.

These official investigations, however, did not satisfactorily answer the questions raised by the public about the assassination of President Kennedy. In response to continued, heated speculation, Congress passed the President John F. Kennedy Assassination Records Collection Act of 1992, which mandated the creation of the Assassination Records Review Board. The provisions of the Act were

designed as an alternative to *insufficient past efforts to clarify widely held troubling questions about the assassination of President Kennedy and the actions of U. S. Government institutions and personnel, and to address inadequate existing mechanisms for the public release of records.* The Act states that “the Freedom of Information Act, as implemented by the executive branch, has *prevented* the timely public disclosure of records relating to the assassination ...” [emphasis added]. In addition, Executive Order No. 12958 on “Classified National Security Information” specifically excludes from the automatic declassification provision matters such as intelligence sources and methods and the identification of informants, which form the core of the Kennedy assassination records which remain classified. The Senate Committee on Governmental Affairs concluded that the creation of a Review Board was required to ensure an “independent and enforceable mechanism for disclosure under uniform standards for review.”

Key Provisions of the Act

The President John F. Kennedy Assassination Records Collection Act states: “All Government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure.” Furthermore, the Act mandates that all assassination-related materials be housed in a single collection in the National Archives and Records Administration (NARA).

The Act defines five categories of information for which disclosure may be postponed, including national security, intelligence gathering, and privacy. The Act anticipates that there may still be valid reasons for postponing the release of assassination records, but emphasizes that such postponements should occur only in rare cases and only when the harm of the release outweighs the public interest in the disclosure of the information.

The Act requires all federal agencies to make an initial assessment of whether they possess records relating to the assassination. The agencies themselves conduct an initial review to determine whether their records may be disclosed immediately or whether disclosure should be postponed. All records deemed by an agency as not suitable for immediate release are subject to evaluation by the Review Board. The Review Board evaluates all agency decisions to postpone the release of records. Once the Board completes its review of an agency's recommendation for postponement, all records, including those that have a postponed release date, are transferred to NARA. The Act requires that all assassination records must be opened by 2017, with the exception of records certified for continued postponement by the President.

Authority of the Assassination Records Review Board

According to the Senate report on the President John F. Kennedy Assassination Records Collection Act of 1992, "the underlying principles guiding the legislation are independence, public confidence, efficiency and cost effectiveness." To achieve these broad objectives, the Act gave the Board specific powers, namely to:

- direct government offices to provide identification aids and organize assassination records;
- direct government offices to transmit assassination records to the National Archives;
- obtain assassination records that have been identified and organized by a Government office;
- direct government offices to investigate the facts, additional information, records, or testimony from individuals which the Board has reason to believe is required;
- request the Attorney General to subpoena private persons to compel testimony, records, and other relevant information;
- require any government office to account in writing for the destruction of any records relating to the assassination of President Kennedy;
- receive information from the public regarding the identification and public disclosure of assassination records; and
- hold hearings, administer oaths, and subpoena witnesses and documents.

The Review Board Members

The Review Board consists of five members:

The Honorable John R. Tunheim, Chair; United States District Court Judge for the District of Minnesota

Dr. Henry F. Graff; Professor Emeritus of History at Columbia University

Dr. Kermit L. Hall; Dean, College of Humanities, and Professor of History and

Law at The Ohio State University

Dr. William L. Joyce; Associate University Librarian for Rare Books and Special Collections at Princeton University

Dr. Anna K. Nelson; Adjunct Professor of History at The American University.

Review Board Staff

At the end of fiscal year 1996, the Review Board staff was near its allotted ceiling of 30 full-time employees. In addition to the management and administrative staff, the Board employs analysts and investigators. During the past year, analysts continued the review of records and made recommendations to the Board. The analysts are organized in teams and have continued to develop the necessary working relationships with the agencies for which their respective teams are responsible. Team members have all developed subject matter expertise that is critical in the review of records and in supporting the Board members in the decisionmaking process on records. In addition, analysts have continued the important assignment of determining whether additional records should be requested from agencies. In the second year of the Board's existence, the research role for the analysts has expanded further into the effort to locate records that may exist in the government agencies or private hands. The investigator, who has been primarily responsible for locating non-federal records, has had continued success in identifying and locating significant collections of records in private hands and arranging for their donation to the JFK Collection at the National Archives. In addition, the investigator has played a critical role in locating former government employees who have been interviewed regarding the possible existence and location of additional assassination records.

Infrastructure Update

The time devoted to the establishment of the Review Board infrastructure (office construction and staffing, obtaining staff clearances) in FY 1995 bore positive results in FY 1996. After coping with aspects of the enabling legislation that complicated the start-up phase, the focus of the Board and staff could be devoted completely to increasing the rate of record review and the identification and locating of additional records. The result was a regular and dramatic increase in the records voted on by the Board and the location and/or acquisition of records that were not previously in the Collection.

Development of Computer System

The large number of records to be reviewed by the Board and staff required the development of a computer system that could track the thousands of documents to be reviewed with the tens of thousands of redactions. The sophisticated "frontload" computer system is a critical component for the Board members and the analysts. All records and redactions are tracked on the system through every stage of the process. The nature of the system enables the retrieval of information that is

needed for the various reports that are required by law.

Critical Mass of Knowledge: Getting and Staying Up to Speed

The decisions being made regarding the release or postponement of assassination records requires a foundation of knowledge about the assassination of President Kennedy, the official government investigations, private research, and the agencies that own the records. The Board continued its focus on having all staff members engage in an ongoing program of reading and study focused on the assassination

II. Financial Report

The expenses for all official activities and requirements of the Review Board and its personnel are detailed below.

**ASSASSINATION RECORDS REVIEW BOARD
FY96 SPENDING**

<i>Object Class</i>	<i>Description</i>	<i>SPENDING</i>
11	Personnel Compensation	
12	Personnel Benefits	
21/	Travel & Transportation	
110	Board Travel	
111	Staff Travel	
113	Invitational Travel	
117	Meeting Expenses	
	SUBTOTAL	
23/	Rent, Communications, Utilities	
370	Rent	
380	Local Telephone	
381	Long Distance	
383	Postage	
	SUBTOTAL	
24/	Printing & Reproduction	
410	GSA/GPO Printing	
413	Photocopying	
451	Federal Register	
	SUBTOTAL	
25/	Other Services	
516	Delivery, Phone Wiring & Other Services	

535 GSA Support

536 Payment to Other Govt Agencies

(Includes security clearance background investigations)

SUBTOTAL

26/ Supplies & Materials

611 Supplies

612 Books/Subscriptions

SUBTOTAL

31 Equipment

TOTAL

III. The Review of Assassination Records

Review Board Meetings and Public Hearings

The U. S. Congress made clear, with the passage of the President John F. Kennedy Assassination Records Collection Act of 1992, that it wanted to “ensure that there is an adequate opportunity for public input and participation.”

PARAGRAPH

Although nature of Board’s work -- dealing with classified information -- requires closed meetings, the Board still had open meetings

Other Public Meetings

COPA OPEN HOUSE - For Outreach section

1. Board Meetings

The Review Board has conducted 14 meetings in Washington, DC, 12 of which took place during fiscal year 1995. The early meetings involved necessary start-up discussions and briefings with federal agencies regarding assassination records held by these agencies. Since June 1995, as will be discussed below, the Board has been engaged in reviewing documents.

December 13, 1995

The Review Board votes to release 127 additional CIA, FBI, and HSCA documents.

The Board voted to release 57 CIA documents, 23 in full and 34 in part. These documents relate to the CIA’s broad post-assassination investigation of Lee Harvey Oswald, including its investigation of Oswald’s trip to Mexico City in the fall of 1963.

The Review Board also voted to release 47 FBI documents, 25 in full and 22

in part. These documents relate in part to the Fair Play for Cuba Committee's reaction to the assassination of President Kennedy.

In addition, the Board voted to release 23 HSCA documents in full. These documents relate primarily to David Ferrie's attempt to get reinstated as a pilot with Eastern Airlines after his dismissal by the airline following the filing of 'corruption of minors' charges against him.

January 5, 1996

The Board votes to release 52 additional CIA, FBI, House Select Committee on Assassinations (HSCA) and Warren Commission documents relating to the assassination of President Kennedy.

The Review Board voted to release 34 CIA documents, 7 in full and 27 in part. These documents relate to the CIA's broad post-assassination investigation of Lee Harvey Oswald, particularly Oswald's trip through Europe on his return to the United States from the former Soviet Union in 1962.

The Board also voted to release 6 FBI documents in full. These records relate in part to the Bureau's interest in New Orleans District Attorney Jim Garrison's investigation into the assassination of President Kennedy.

In addition, the Board voted to release 23 HSCA and 5 Warren Commission documents in full. These documents were previously available but contained

redactions based on privacy grounds.

Notification of the Board's action on these documents was sent to the President of the United States and the agencies on January 25, 1996. The President has 30 days to agree or disagree with the Review Board's determinations.

January 31, 1996

The Review Board votes to release 207 additional CIA, FBI, HSCA and Warren Commission documents related to the assassination of President Kennedy.

The Board voted to release 72 CIA documents, 17 in full and 55 in part. These documents relate in part to the Agency's post-assassination investigation of Lee Harvey Oswald, including Oswald's trip to Mexico City in the fall of 1963.

The Board also voted to release 108 FBI documents (including duplicates), 42 in full and 66 in part. These documents relate in part to the FBI's post-assassination investigation of Jack Ruby. Other documents relate to a request made by the White House to the FBI for information about critics of the Warren Commission. These documents were previously available but contained redactions.

In addition, the Review Board voted to release 23 HSCA documents in full, with the exception of HSCA staff social security numbers. These documents include interviews with Secret Service Special Agents in Chicago and Miami

regarding the assassination. Other HSCA documents relate to David Ferrie and his attempt to get reinstated as a pilot with Eastern Airlines after his dismissal by the airline following the filing of 'corruption of minors' charges against him. These documents have been previously available with certain names redacted for privacy reasons.

The Review Board also voted to release 4 Warren Commission documents. These documents are the last documents generated by the Commission itself that remain to be released in full to the public.

Notification of the Review Board's action on these documents was sent to the President of the United States and the agencies on February 14, 1996. The President has 30 days to agree or disagree with the Board's determinations.

In other Board related activities, both the Department of State and the Department of Defense have, at the Board's request, agreed to release documents from the HSCA Security Classified files series. DOD released 3 documents and DOS released 30 documents, some of which pertain in part to the HSCA's 1978 trip to Cuba to interview Castro. Many of these documents have been previously available in redacted form.

The Board voted to release 21 of these CIA documents at the January 5th meeting, but reconsidered them at its March 19, 1996 meeting after receiving additional evidence from the CIA. When the issue in these documents was disclosure of the originator of the cable, the Board voted to use the following substitute language "CIA Installation in Northern Europe (or "South Asia") (followed by a designated number)."

February 29- March 1, 1996

The Review Board met in closed session for two days of meetings. These meetings included staff briefings on various pending matters, a classified briefing by the National Security Agency, and a classified briefing by the Central Intelligence Agency.

The members of the Review Board also reviewed assassination records. However, no formal votes were taken during this meeting.

March 19, 1996

The Board voted on March 19, 1996 to release 271 CIA, FBI and House Select Committee on Assassinations (HSCA) documents.

The Review Board voted to release 135 CIA documents, 24 in full and 111 in part. These documents relate primarily to the CIA's international investigation to find out anything it could about Oswald, or persons and events allegedly having something to do with him, during the days and weeks following the assassination. The Board voted that some information relating to intelligence sources and methods and true names should not be released at this time.

Other Board action included votes to release 130 FBI documents, 27 in full and 103 in part. These documents relate in part to the Bureau's investigation of the incident involving Sylvia Odio in the fall of 1963, before the assassination. Other documents detail the FBI's post-assassination investigation of Jack Ruby. The Board voted that informant names and symbol numbers should not be released at this time.

The Board voted to release six HSCA documents, five in full and one in part. Included in this group are four documents that relate to Secret Service protection of the President.

In addition to the 21 CIA documents from the January 5 and 28 CIA documents from the January 31, 1996 meetings reconsidered by the Board, (referred to above), two other CIA documents were reconsidered. The Board reconsidered a CIA document originally voted on at the November 14, 1995 meeting. The issue is protection of information about an individual. The other CIA document reconsidered by the Board was from the December 13, 1995 meeting. As with other CIA documents originally considered at Board meetings of January 5th and January 31st, the issue is disclosure of the originator of a cable. The Board voted to use substitute language in these documents.

Notification of the Review Board's action on these documents was sent to the President of the United States and the agencies on April 2, 1996. The President has 30 days to agree or disagree with the Review Board's determinations.

In other Board activities, 886 additional documents will now be open in full by the CIA and the FBI, as well as records from the files of the HSCA. These records are being released based on the standards of release established by the Review Board during its earlier review of other records. They did not require Board votes because they are being released in their entirety by the agencies. The CIA has released 405 documents, the FBI will release 410 documents, and 71 HSCA records will now be available in full, 55 of which are organized crime-related documents obtained from the Metro-Dade County Police Department.

April 16 and 17, 1996

The Review Board voted on April 16 and 17, 1996 to release an additional 193 FBI, CIA, and House Select Committee on Assassinations (HSCA) records related to the assassination of President John F. Kennedy.

The Board voted to release 158 FBI documents (including duplicates) in full. These documents relate to the Bureau's broad post-assassination investigation of Lee Harvey Oswald, including the FBI's investigation into the incident involving Sylvia Odio.

The Review Board also voted to release 33 CIA documents, 14 in full and 19 in part. These documents consist of various records from Oswald's "201" file.

In addition, the Board voted to release 2 HSCA documents in full, which were duplicates of documents previously opened.

Notification of the Review Board's action on the above documents was sent to the President of the United States and the agencies on May 1, 1996. The President has 30 days to agree or disagree with the Review Board's determinations.

As part of the mandate of the Assassination Records Review Board to identify assassination records, the Board designated Secret Service records from the files of Chief James Rowley as "assassination records." These records include Secret Service comments on the William Manchester book

manuscript. The Board will now review these documents for inclusion in the JFK Assassination Records Collection.

In other board-related activities, after consultation with the appropriate federal agencies and in compliance with the JFK Act, 119 additional FBI and HSCA records are being released in full. The FBI is releasing 89 documents, and 30 HSCA documents will be available by consent release.

May 13-14, 1996 Board Meeting Totals

The Assassination Records Review Board voted on May 13 and 14, 1996 to release an additional 528 FBI, CIA, and House Select Committee on Assassinations (HSCA) documents related to the assassination of President John F. Kennedy.

CIA Records

The Review Board voted to release 132 CIA records, one in full and 131 in part. These documents are from Lee Harvey Oswald's "201" file. The Board determined that some information relating to intelligence sources and methods should not be publicly released at this time.

CIA "Scelso" Documents

These documents postpone the name of a former CIA employee who was involved in the assassination investigation. This person used the pseudonym "Scelso" when testifying before the HSCA. The Review Board voted to release the individual's name in 188 "Scelso" documents on either May 1, 2001, or three months after the death of the individual whose name is postponed, whichever occurs first.

FBI Records

The Board also voted to release 197 additional FBI records, 40 in full and 157 in part. These documents relate to the Bureau's post-assassination investigation of Oswald.

HSCA Documents

The Board voted to release 11 HSCA documents, one in full and 10 in part. These documents relate to a variety of different topics. The postponed information consists of social security numbers.

Notification to the President and the Agencies

Notification of the Review Board's action on the above documents was sent to the President of the United States and the agencies on May 29, 1996. The President has 30 days to agree or disagree

with the Review Board's decisions.

-more-

-2-

Secret Service Records

As part of the mandate of the Review Board to identify assassination records, the Board designated additional Secret Service records as "assassination records." These records include protective survey reports for planned presidential trips to Houston, Ft. Worth, and Austin, Texas on November 21-22, 1963, and shift reports of unusual incidents from March 1963 to January 1964. In addition, the Richard Case Nagell file has been designated as an "assassination record." The Board will now review these documents for inclusion in the JFK Assassination Records Collection.

Other Board-Related Activities

After consultation with the appropriate federal agencies and in compliance with the JFK Act, 463 additional FBI, CIA, HSCA, and Warren Commission records will be released in full. The FBI will release 289 documents, and the CIA will release 146 documents. In addition, 26 HSCA documents and 2 Warren Commission documents will be available by consent release.

June 4, 1996

The Assassination Records Review Board voted on June 4, 1996 to release 439 CIA, FBI, and House Select Committee on Assassinations (HSCA) documents, including duplicates, related to the assassination of President John F. Kennedy.

CIA Records

The Review Board voted to release 228 CIA records, 4 in full and 224 in part. Included in these documents is the "Mexico City Chronology", a 133-paged summary of CIA communications related to Lee Harvey Oswald's trip to Mexico City in the fall of 1963. Other documents relate to Oswald's stay in the Soviet Union, and former New Orleans District Attorney Jim Garrison's investigation into the assassination. The redacted information

includes, for the most part, names of CIA employees and sensitive operational details.

FBI Records

The Board also voted to release 205 FBI records, 37 in full and 168 in part.

These documents consist in large part of post-assassination FBI headquarters and field office files on Oswald. The redacted information contains informant symbol names and numbers.

HSCA Documents

The Board voted to release 6 HSCA documents, 3 in full and 3 in part.

Included in this group of documents are: a United States Customs Service document from the Metro-Dade Police files, which was acquired by the HSCA, concerning an organized crime meeting in Miami; multiple-year tax returns for Eileen Kaminsky (Jack Ruby's sister); a Department of Defense document that includes a fact sheet on the 112th Intelligence Corps and a fact sheet on the destruction of Oswald's IRR dossier.

Notification of the Review Board's action on the above documents was sent to the President of the United States and the agencies on June 18, 1996. The President has 30 days to agree or disagree with the Review Board's decisions.

Secret Service Records

As part of the mandate of the Review Board to identify assassination records, the Board designated additional Secret Service records as "assassination records." These records include Secret Service correspondence with members of the Warren Commission in 1964, and the document "Briefing Book: Director's Appearance Before the House Select

Committee on Assassinations, December 1978.’’ The Board will now review these documents for inclusion in the JFK Assassination Records Collection.

In other Board-related activities, after consultation with the FBI and in compliance with the JFK Act, 82 FBI documents will be available by consent release.

July 9-10, 1996

The Assassination Records Review Board voted on July 9 and 10, 1996 to release 416 CIA, FBI, and House Select Committee on Assassinations (HSCA) documents (including duplicates) related to the assassination of President John F. Kennedy.

CIA Records

The Review Board voted to release 257 CIA records, 10 in full and 247 in part. This is the first meeting in which the Board reviewed a significant number of documents from the CIA’s ‘JFK Collection’, the group of records containing documents which the Agency considers part of the assassination investigation itself. The issues in these documents cover a wide variety of topics including the investigation of Jack Ruby, the Garrison investigation, and JMWAVE, the CIA station in Miami that concentrated on anti-Castro issues. The Board determined that some information relating to intelligence sources and methods should not be publicly released at this time.

FBI Records

The Board also voted to release 150 FBI records, 64 in full and 86 in part.

These records include documents that relate to the investigations of Lee Harvey Oswald and Jack Ruby. Other documents in this group relate to the international reaction to the assassination of President Kennedy, including that of the Communist Party. The Board determined that some information relating to informant symbol names and numbers should not be publicly released at this time.

HSCA/Warren Commission Documents

The Board voted to release 7 HSCA documents, 5 in full and 2 in part. Included in this group of documents is Marina Oswald's Social Security Administration file, which will be open for the first time, with the exception of social security numbers. Two duplicates of previously opened Warren Commission documents that are in the HSCA files were also cleared for release by the Board.

Notification of the Review Board's action on the above documents was sent to the President of the United States and the agencies on July 24, 1996. The President has 30 days to agree or disagree with the Review Board's decisions.

Other Board-Related Activities

After consultation with the appropriate agencies and in compliance with the JFK Act, 402 FBI, CIA, and HSCA documents will be available in full by consent release. The FBI will release 153 documents, and the CIA will release 131 documents. In addition, 118 HSCA documents will be available by consent release.

August 5-6, 1996

The Assassination Records Review Board voted on August 5 and 6, 1996 to release 316 CIA, FBI, and House Select Committee on Assassinations (HSCA) documents (including duplicates) related to the assassination of President John F. Kennedy.

CIA Records

The Review Board voted to release 204 CIA documents, 8 in full and 196 in part. In addition to these documents, the Review Board acted on 2 HSCA documents with CIA equities. These documents include portions of the Lopez Report, which pertains to Oswald's trip to Mexico City, and the 193 paged testimony to the HSCA by the CIA officer, alias John Scelso, who coordinated the CIA investigation in the months immediately following the assassination.

The redacted portions of these documents include intelligence sources and methods, true names, and file number prefixes.

FBI Records

The Board also voted to release 104 FBI documents (including duplicates), 57 in full and 47 in part. The documents relate in large part to the Bureau's investigation of Jack Ruby. The redacted portions of these documents consist mostly of informant names and symbol numbers.

The FBI has appealed to the President the Board's decisions to release information contained in 36 documents (including duplicates) from the July 9-10, 1996 meeting. The information contained in the redacted portions of these documents has to do with intelligence sources and methods. The Board has responded to this appeal.

HSCA Documents

In addition to the 2 HSCA documents mentioned above, the Review Board voted to release 6 HSCA documents in full, including a previously withheld document relating to Joseph Milteer. Also to become available by consent release are 17 HSCA records that document the Miami Police Department's response to inquiries related to Jim Garrison's investigation of the assassination.

Notification of the Review Board's action on the above documents was sent to the President of the United States and the relevant agencies on August 20, 1996. The President has 30 days to agree or disagree with the Review Board's decisions.

Secret Service Records

As part of the mandate of the Review Board to identify assassination records, the Board designated additional Secret Service records as "assassination records." These records include protective survey reports for planned presidential trips in the period between October 31, 1963--November 21, 1963, and a 13 minute tape of a radio interview with Secret Service Chief James Rowley on August 7, 1963.

Other Board-Related Activities

After consultation with the appropriate federal agencies and in compliance with the JFK Act, 221 additional documents (24 CIA, 180 FBI, and 17 HSCA) will be available in full by consent release.

2. Public Hearings

August 6, 1996
Review Board Offices

Washington, DC

This public hearing was conducted to give the public an opportunity to be heard on how the Review Board should process a large volume of CIA records known as the "Sequestered Collection."

During the summer of 1996, after making progress on the review and release of records from the CIA's Oswald 201 File, the Review Board turned its attention to the CIA's so-called Sequestered Collection. These are the CIA records that were segregated at the time of the HSCA investigation.

The Sequestered Collection ranges from records of direct relevance to the assassination to others for which the Review Board is unable to identify any relevance. The Board and staff undertook an effort to establish an approach to the handling of these records that was fully consistent with its mandate and responsibilities, and, at the same time, reflected a reasonable and appropriate investment of (Board, staff, and agency) resources. Separating the "wheat from the chaff," and devoting the Board's time to a detailed review of postponements in the "wheat," was essential to completing the most important parts of the Board's mission on time.

The Board heard testimony from the following invited witnesses:

John Pereira, Central Intelligence Agency

Barry Harrelson, Central Intelligence Agency

Jeremy Gunn, Assassination Records Review Board General Counsel

Steven Tilley of the National Archives

Other members of the public who testified were:

John Newman

James Lesar

Harrison Livinstone

The hearing was very helpful to the Board as it grappled with this difficult area and moved to reach a final decision on this issue.

The Review Board allowed a 30 day comment public comment period following the hearing.

September 17, 1996
 Los Angeles Board of Education Hearing
 Los Angeles, California

The Review Board conducted its fourth field hearing in Los Angeles, fulfilling a commitment made by the Board that there would be geographic balance to the location of public hearings. The public hearing in Los Angeles allowed members of the public in this area to observe the Board at work and gave the the Board members an opportunity to hear expert testimony from individuals who reside in this part of the country.

The public hearing was a fruitful one for the Review Board. The As will be detailed in another section of this report, several witnesses donated records that will become part of the JFK Collection at the National Archives.

The following invited witnesses testified at the public hearing:

David Belin, former Assistant Counsel to the Warren Commission and author of two books on the assassination, November 22, 1963: You Are The Jury and Final Disclosure: The Full Truth About The Assassination of President Kennedy. Belin also served as the Executive Director of the Rockefeller Commission in 1975, investigating CIA assassinations of foreign leaders.

James DiEugenio, author of Destiny Betrayed: JFK, Cuba and the Garrison Case, an analysis of New Orleans's District Attorney Jim Garrison's inquiry and the assassination itself.

Eric Hamburg, co-producer of the Oliver Stone movie Nixon and a former Congressional staff assistant involved in the passage of the President John F. Kennedy Assassination Records Collection Act of 1992.

Wesley Liebeler, former Assistant Counsel to the Warren Commission and currently a professor of law at UCLA. Liebeler donated to the JFK Collection an unpublished manuscript he wrote on various controversies surrounding the assassination.

David Lifton, author of Best Evidence: Disguise and Deception In The Assassination of John F. Kennedy, which focused on the medical evidence in the case. He is currently working on a book about Lee Harvey Oswald. Lifton agreed to donate various original oral histories of various witnesses connected to the assassination story that he recorded in the late 1960's and early 1970's.

James Rankin, son of former General Counsel to the Warren Commission, the late J. Lee Rankin. He testified about his father's personal papers related to his work for the Warren Commission and agreed to donate them to the JFK Collection.

Robert Tanenbaum, former Deputy Counsel for the House Select Committee on Assassinations in the late 1970's. He is the author of Corruption of Blood, a fictionalized account of his experience with the Committee investigating the Kennedy assassination.

Steven Tilley, of the National Archives, oversees the JFK Collection. He gave an update on the contents of the Collection.

Approximately 100 members of the public and the media attended the hearing. The hearing was also televised on PBS in its entirety in the greater Los Angeles area.

IV. Estimated Volume of Assassination Records for Review

Since the agencies have not completed their respective reviews of assassination records in their

possession, it is impossible to provide a reliable estimate of the total universe of records that will require Board review. The Board is currently tracking approximately 24,000 records that contain postponements, but that number will undoubtedly increase. Since the vast majority of postponements fall into defined categories, decisions made early in the review will apply to records that come later in the process. We are confident that the Board's early decisions, which have consumed a great deal of time and resources, will provide the basis for a greatly accelerated pace in the future.

Legislative Recommendations

[PLACE HOLDER - JEREMY MEMO - DECIDE WHAT WE WANT HERE]

The upcoming 1996 Annual Report is the final report that will be presented to Congress prior to the termination of the Review Board's statutory tenure. The Review Board should consider whether it wishes to make any proposals to Congress regarding the disposition of assassination records that may not finally have been transferred to the National Archives at the time the Board is slated to go out of existence.

Among the proposals that the Review Board may wish to consider are:

1. Making no recommendations.
2. Extending the life of the Review Board for an additional period of time.
 - a. Nine months
 - b. One year
 - c. Other
3. Proposing that an independent statutory Ombudsman be created to oversee the continued handling of records in conformity with the Review Board's prior formal determinations.
4. Empowering the National Archives to require agencies to continue transferring records consistent with the Review Board's prior formal determinations.

V. The Record Review Process and Compliance with the JFK Act

1. Federal Agencies

The Review Board and staff have been in regular communication with the relevant agencies that may possess assassination records. The results of the Board's efforts to date to ensure that these agencies are in compliance with the JFK Act are mixed. On several occasions during the past year, the Board

has been asked by an agency to reconsider a formal determination. The Board has taken such action reluctantly and infrequently. However, in the interest of ensuring that its decisions are based on the most complete evidence available, the Board has been willing to review additional materials submitted by an agency and has, on occasion, changed an initial determination.

Brief descriptions of the status of the compliance of federal agencies with the Act are provided below.

The Department of the Treasury (excluding IRS, Customs, BATF, and Secret Service)

“Main Treasury” had identified no assassination records under the JFK Act prior to being contacted by the Review Board. Review Board staff members have requested access to specified Treasury records and, last fiscal year, identified approximately 2 cubic feet of assassination records held at the Federal Records Center at Suitland, Maryland. To date, Treasury has not transferred any of these records to the National Archives for inclusion in the JFK Collection.

Internal Revenue Service

Section 11(a) of the JFK Act states that the transmission and disclosure provisions of the JFK Act do *not* take precedence over Section 6103 of the Internal Revenue Code, which affords confidentiality to tax return and related information. Accordingly, Federal law exempts much of the information in IRS investigative files from inclusion in the JFK Assassination Records Collection.

Within these legal constraints, the IRS and the Review Board have worked together to ensure that the Collection is as complete as possible. For example, the IRS has agreed that tax return information may become part of the JFK Collection if the taxpayer (or his surviving spouse or descendant) consents in writing to disclosure of the information.

The Customs Service

The Customs Service is in the final stages of its work with the Review Board to implement the JFK Act.

Under generally applicable retention policies, most Customs Service records are authorized for destruction after twenty years. However, the Review Board staff identified over 100 boxes of Customs Service records from the 1950's through the 1970's at the Washington National Records Center at Suitland, Maryland. This year, Customs officials and Review Board staff members reviewed over 100 boxes containing these records, and identified a small number of assassination records. In August 1996, Customs advised the Review Board that it has concluded its search of field offices and that those offices that had located assassination records had sent them to Customs headquarters for review under the JFK Act.

Customs is now preparing electronic identification aids for all of its assassination records and will transfer the records to the National Archives when these aids are completed. Customs has advised that it does not anticipate seeking postponements in any of these records. Finally, Customs has approved release in full of all assassination records referred to it by other agencies.

The Bureau of Alcohol, Tobacco and Firearms

To date, BATF has sent no records to NARA for inclusion in the JFK Assassination Records Collection. After some initial difficulties in establishing a point of contact, BATF responded to the Review Board's inquiries by stating that it had searched its records and found nothing related to the assassination of President Kennedy. The Review Board followed up with specific requests targeting particular individuals and events of interest to the Warren Commission and HSCA investigations, as well as to private researchers. In response to these requests, BATF identified one assassination record. BATF advises that other responsive records it once may have had were probably destroyed prior to the passage of the JFK Act pursuant to records disposition schedules generally applicable to BATF investigative files.

The Department of Justice (excluding INS, FBI, and DEA)

The Review Board has established points of contact within the Criminal Division, the Civil Rights Division, and the Office of Information and Privacy (for records of the DOJ leadership). Each of these offices has transferred records to the National Archives for inclusion in the JFK Assassination Records Collection, including over 3500 fully opened records of DOJ leadership offices, the transfer of which was completed during Fiscal Year 1996. DOJ has also allowed the Review Board staff to review copies of DOJ records microfilmed for the John F. Kennedy Presidential Library in order to determine to what extent these records may fall within the purview of the JFK Act. We understand that some of these records now exist only on microfilm. DOJ has also responded promptly to Review Board requests for information and referrals of records from the HSCA and other agencies.

Immigration and Naturalization Service

Prior to November 1, 1996, the INS had not transferred any of its own assassination records to the Review Board or to NARA. Although the INS had reviewed its own equities in third agency documents and returned them to the appropriate agencies, it had not completed any of its own review.

Beginning in November, 1996, the INS finally began the process of transferring records to NARA with its shipment of x files, none of which contained any postponements. The INS now estimates, according to its communication to the Review Board on November 4, 1996, that it expects to complete the review and transfer process by February 1, 1997. The INS has now delivered to the Review Board two of its four original folders from the Lee Harvey Oswald file, and it is in the final process of review of the remainder of the Oswald file as well as the file of Marina Oswald Porter.

The Federal Bureau of Investigation

COMMENT ON:

“Although the Review Board level of review has not exceeded FBI capacity, FBI was notified that the Board would ramp up the review process ...”

The Review Board has worked with FBI documents continuously throughout Fiscal Year 1996. To date, the Review Board has voted on postponements claimed in over 1300 FBI records. (The FBI has appealed to the President the Review Board’s decisions on 139 of these records, dealing almost exclusively with “foreign counterintelligence” postponements.) The FBI also has agreed to release in full an additional 1600 assassination records that previously were available only in redacted form, rather than submit to the Review Board evidence in support of its redactions. When it has chosen to ask the Review Board to uphold claimed postponements, the FBI has significantly improved in making timely and pertinent evidence submissions.

By a large margin, the FBI has identified more assassination records than any other Federal agency. As a result, although the FBI has devoted substantial resources to implementing the JFK Act, there is still in excess of 200,000 pages of assassination records that remain unprocessed. At the present rate, the FBI will not have completed its processing of these records until after the Review Board winds down at the end of Fiscal Year 1997. In view of these resource and time constraints, the Review Board is taking steps to ensure that it focuses on those FBI records of greatest use and interest to the public. Within the body of unprocessed assassination records, the Review Board staff is identifying subjects of highest interest, so that the FBI can process these subjects next. The FBI has fully cooperated in this effort.

The Review Board staff has also continued its efforts to locate assassination records not previously identified as such by the FBI. The FBI has assisted this effort by giving Review Board members access to requested files.

Drug Enforcement Administration

The DEA has not, on its own initiative, identified any records of its own for inclusion in the JFK Assassination Records Collection. However, the DEA has responded cooperatively to Review Board requests to locate and retrieve files potentially containing assassination records. The Review Board staff is reviewing retrieved records so that the Review Board may determine how the JFK Act should be implemented with respect to these records. To date, this effort has concentrated on files responsive to HSCA requests for information, but records potentially relating to the assassination that post-date the HSCA have also been identified. Under its generally applicable records disposal policies, the DEA destroys investigative files after twenty-five years. As a result, we have not identified any records potentially related to the assassination dating before the 1970's.

United States Postal Service

The Postal Service has identified as responsive to the JFK Act a number of records, principally relating to postal inspectors' investigation of the mail-order purchase of the rifle that, the authorities concluded, was used to kill President Kennedy. However, the Postal Service has not yet transferred any of these records to the National Archives for inclusion in the Collection.

U. S. Secret Service

Over the past twelve months, the Secret Service has developed a system for its internal review of records and submission of documents and disks both to the Assassination Records Review Board and to the JFK Collection at the National Archives. Since October 1995, the Secret Service has processed approximately 500 records referred from the House Select Committee on Assassinations collection at Legislative Archives. Of those 500 records, the Secret Service forwarded approximately 450 records without postponements to the JFK Collection and submitted over 50 items with postponements to the Review Board. Four documents are still under consideration by both the Review Board and the Secret Service. The Review Board is still engaged in discussions regarding specific requirements under the JFK Act with the Secret Service.

In response to a total of eight requests for additional information from the Review Board, the Secret Service has submitted over 1500 pages of material. Three requests are still outstanding, and a few documents from the submitted material are still under review. The Review Board will be following up some of these responses with additional requests in the coming year. The Secret Service has forwarded material from Chief Rowley's files, letters from the public, and protective information (including trip reports, administrative files, and Warren Commission memorandums) from the 1963-1964 period. Most of these 1500 pages will be available at the JFK Collection by October, 1996.

Review Board staff interviewed Robert I. Bouck of the Protective Research Service in 1963, and Floyd M. Boring of the White House Detail in 1963.

Department of Defense

Overall, compliance with the JFK Records Collection Act by Department of Defense (DOD) services and agencies has been satisfactory during the past year. Each service (Army, Air Force, and Navy/Marines) has now requested subordinate headquarters to search their records for assassination-relevant materials. Likewise, most independent DOD agencies or activities have also taken steps to comply with the statute. The results of this canvassing are discussed by individual service/agency below.

For the most part, the search for records by each service/agency focused on records currently in its custody (e.g. historical files and other administrative holdings). What these searches universally missed were records still under the service/agency's control but no longer in its custody: namely,

records stored at the Federal records storage facility in Suitland, Maryland, that have not yet been accessioned by NARA and so technically remain the property of the individual service or agency which created them. (To access these records one must obtain permission from the owning service or agency, not NARA.) The failure by DOD agencies to search their Suitland records constitutes a serious omission inasmuch as many records from the early 1960's are in this limbo where they are no longer in the possession of the agency, but not yet controlled by NARA. The ARRB Military Team is currently doing a general inventory of records stored at Suitland to identify those that may include assassination-related materials; where significant holdings are found, we intend to make a specific, formal request to the owning service or agency for those files to be searched.

Compliance highlights by individual service/agency.

Department of Defense (General):

- designated Stewart Aly as single point of contact for liaison with ARRB in July, 1995
- Hosted explanatory meeting between ARRB staff and all DOD services/agencies in October, 1995.
- Cleared approximately 45 previously-withheld HSCA documents for release without postponements.

Joint Staff:

- Cleared approximately 20 Joint Staff or Joint Chiefs of Staff documents for immediate release without postponements.
- Identified various historical documents (chiefly within J3 Special Operations Division) as possibly assassination-related; currently reviewing these for future Board action.

Office of the Secretary of Defense:

- Identified unknown quantity of OSD documents as possibly assassination-related; currently reviewing these for future Board action.

[Note: I am scheduled to go look at these records on the afternoon of September 10; I should have more definitive information afterwards.]

Army:

- Located, reviewed and cleared for release without postponement Corps of Engineers documents related to JFK gravesite.
- Assisted ARRB staff members in locating, reviewing and partially declassifying documents from the microfilm records of the Pentagon Telecommunications Center. To date, more than 300 documents (all of which are either incoming or outgoing messages in the 1962-4 timeframe) have been photocopied for declassification, referral and possible Board action. Documents represent all

military services plus CIA, State Department, and other agencies. Personnel from the Army's Center of Military History in Washington, DC, and Military History Institute at Carlisle Barracks, PA, have been particularly helpful in searching for and declassifying Army records.

-- Historical office for the Army's Intelligence and Security Command (INSCOM) assisted ARRB staff in locating Army intelligence files previously accessioned by NARA and held in NARA's classified collection.

-- Army declassifier will shortly begin reviewing six cartons of Top Secret and Secret documents found at NARA (College Park) dealing with policies and activities toward Cuba in the 1962-4 timeframe.

Air Force:

-- Located, reviewed and cleared for release without postponement approximately ten assassination-related documents; additional classified records currently being reviewed.

-- Air Force canvass of subordinate commands yielded a ledger-type book entitled "Log of Events" and "Death of JFK" that appears to be a record of incoming/outgoing messages, orders and reports kept by an unknown individual assigned to the headquarters or operations section of the 1254th ATW at Andrews Air Force Base. This book contains handwritten entries from November 22 to November 25, 1963, describing actions related to the return of Air Force One from Dallas to Andrews and other activities.

Navy/Marines:

-- ARRB has had the least substantive feedback from the Navy/Marines of all the services. Original Navy/Marine POC (Lieutenant Colonel Sparks) departed for new assignment without providing any feedback after October, 1995 meeting; ARRB contacted his replacement in August to rejuvenate Navy's compliance efforts.

-- USMC historian provided ARRB with original paper copies of Lee Harvey Oswald's personnel and medical records for transfer to NARA; also provided two cartons of documents (already open to the public) concerning USMC operational planning during the Cuban Missile Crisis in 1962 which generally appear not to be assassination-related.

National Security Agency:

Currently working closely with members of ARRB staff to prepare approximately 100 assassination-related documents for Board action.

Central Intelligence Agency

Throughout the past year, the ARRB has experienced a high level of cooperation and compliance from the Central Intelligence Agency. The CIA has proven willing to release records of great operational sensitivity where the Oswald story is concerned and has agreed as well to a wide variety of other releases in documents that are only tangentially connected to Oswald or to the JFK

assassination. In addition, the CIA has taken upon itself to release in full to NARA large numbers of previously-redacted documents from its Oswald file and JFK records. Particularly worthy of note was CIA's commitment of time and manpower to reviewing records (under ARRB auspices) at the JFK Library in June, where it cleared for release a large body of Cuba-related records from the National Security Files.

So far, CIA's Historical Review Group has managed to keep pace with the ARRB's requests for records and information, but during the coming and final year we at ARRB expect our requirements to increase and significantly outpace CIA's ability to comply unless the Historical Review Group receives much-needed additional staff support. We hope this problem can be solved as quickly as possible.

Department of State

DISCUSS PROBLEMS WITH CABLES

During the past year, the ARRB has also received a high level of cooperation from the Department of State, which has continued to release in full most of its records related to Oswald or the JFK assassination. In addition, State actively participated in ARRB's joint-Agency review of Cuba-related records at the JFK Library, clearing for release most of those records containing DOS equities.

JFK Library

The staff of the JFK Library has cooperated fully with the ARRB, especially in the vast effort to prepare for, support, and process the results of ARRB's week-long joint Agency review of Cuba-related records. The success of this unusually large-scale venture was due not only to the notable cooperation of the Agencies involved, but also specifically to the Library's thorough preparation and fine staff support throughout the week-long exercise. Since then, the Library has rapidly moved ahead to complete remaining document processing and coordination, in order to release this large and important body of documents to the public by autumn.

Library staff has also provided thorough follow-up information to ARRB staff in regard to other collections at the Library.

National Archives and Records Administration House Select Committee on Assassinations

Senate Intelligence Committee

2. State, Local, and Private Records

The Board's investigative staff currently has over 60 issues under active investigation. These issues include contacting state and local officials regarding assassination records that they may maintain, and locating and interviewing key witnesses about records that may be in private hands. The database of investigative contacts lists nearly 700 since it went on line in April.

3. Special Initiatives

Photographic Record

Veazey

Alyea

Powers

BRILAB

September 12, 1996

The Assassination Records Review Board Continues to Make Strides

by

Judge John R. Tunheim

Chair

Introduction

I would like to take this opportunity to thank the Assassination Archives and Research Center for this opportunity to communicate with its membership. We have tried very hard to keep the research community informed about our activities through frequent mailings, news releases, and public hearings. Because we are so deeply into the review of federal records that involve classified information, much of our work has to be done behind closed doors. That is why I particularly appreciate this opportunity to give you an update on the work of the Review Board.

Review of Federal Records

A little more than one year ago, the Assassination Records Review Board made history when it released its first set of documents to the public. It had never happened before: a group of private citizens, representing the American public, told the federal government that previously secret information had to be made public. We hope that those CIA documents released by the Board in July 1995 will prove to have been the first step toward greater openness in government and more

citizen participation.

As of the end of August 1996, the Review Board has voted to release information contained in more than 2,300 documents that were previously unavailable to the public. The vast majority of the postponements on which the Board has voted have been made public. Many of the redactions that the Board has kept closed have been social security numbers which, as a matter of policy, the Board decided not to make public. In instances where the Board felt obliged under the JFK Act to keep information closed, we took advantage of an important provision of the Act that allows us to use substitute language. On those occasions, we released the information that was relevant to the assassination, while still protecting the actual text of the document that we believed still required protection.

The work of the Review Board has resulted in the release of additional assassination records by federal agencies that we call "consent releases." These are documents that contain information which the agencies had originally intended to seek to keep closed. However, upon seeing the precedents set by the Board when voting to open information contained in other documents, the agencies have decided not to contest the release of information in these other documents. As a result, approximately 2,400 other assassination documents have been opened in full. Although the Board ultimately did not have to cast votes to open these "consent release" documents, without the leverage created by the presence of the Board, these documents would have remained closed.

The Board is on the verge of an important milestone in the CIA files. I am pleased to announce that we have nearly completed our review of the CIA's Oswald 201 File. These records constitute the core collection of CIA records that previously have been identified as assassination records. The Review Board has conducted a word-by-word review of each of the postponements in these records and has, in the vast majority of cases, opened up the records to the public.

In addition to reviewing the Oswald 201 file, the Review Board continues its word-by-word review of FBI postponements. While conducting this work, the Review Board has also been releasing some miscellaneous records from the House Select Committee on Assassinations (HSCA), as well as records from several other federal agencies.

During the next phase of its work, the Review Board will be redirecting its attention to two new categories of records: the HSCA archives and the CIA records that were segregated at the time of the HSCA and are now known by the name of the "Sequestered Collection."

The HSCA archives are now physically located at the Review Board offices in Washington, D.C. During the upcoming months, we will be conducting a word-by-word review of each proposed redaction in all of the HSCA records and we expect to be releasing in the near future many interesting records from this collection.

While the Review Board is turning its attention to its detailed review of the HSCA records, it will also be reviewing the CIA's Sequestered Collection. The Sequestered Collection ranges from records of direct relevance to the assassination to others for which the Review Board is unable to identify any relevance. We are now attempting to establish an approach to the handling of these records that is fully consistent with our mandate and responsibilities, and, at the same time, reflects a reasonable and appropriate investment of (Board, staff, and agency) resources. Separating the "wheat from the chaff," and devoting our time to a detailed review of postponements in the "wheat," is essential to completing the most important parts of our mission on time.

To help us determine the best approach to handling the large volume of records in the Sequestered Collection, we held a public hearing on August 6, 1996, in Washington, DC. The Board heard testimony from members of the research community, including James Lesar of the Assassination Archives and Research Center, representatives of the CIA, our General Counsel, Jeremy Gunn, and Steve Tilley of the National Archives. The hearing was very helpful to the Board as we grapple with this difficult area. We expect to reach a final decision on the issue in the near future. We will keep you apprised.

Medical Evidence Inquiry

As many of you are aware, the Review Board has several ongoing areas of investigation relating to different categories of assassination records. One of these investigations of records involves the medical evidence in the assassination. As part of our review of the medical evidence, we have deposed the three principal pathologists involved in President Kennedy's autopsy: Drs. James Humes, "J" Thornton Boswell, and Pierre Finck, as well as the autopsy photographer, John Stringer.

Our work in the area of the medical evidence has led to many questions by researchers. I would like to take this opportunity to make several points and answer some of your questions.

First, some general points regarding the Board's mandate as it relates to the pursuit of the medical evidence. The Board is not authorized by the JFK Act to reinvestigate the assassination. The mandate of the Board is to make the JFK Collection at the National Archives as complete as possible and available to the American public. Although the Board was not obligated to delve into the many controversies surrounding the medical evidence, it recognized the importance of the medical issues and the confusion surrounding records related to the autopsy.

Second, the only way to fairly and reasonably judge the results of the depositions of the autopsy doctors is to review the transcripts of the depositions. The Board has stated that those transcripts will be made public upon the conclusion of the Board's inquiry into the medical evidence; likely to be by the end of this year. This decision to hold off on the public release of the transcripts for now is important to ensure the integrity and professionalism of the inquiry into the medical evidence while it

continues.

Third, through the passage of the JFK Act, the Congress created a part-time citizens board with a full-time professional staff. The Congress clearly envisioned an experienced and professional staff taking on major responsibilities at the direction of the Board. That is exactly what has occurred in this matter. The several members of the staff, including the Executive Director and the General Counsel, who were involved in the depositions, were extraordinarily well prepared. Significant time and resources went into the effort and the results will demonstrate it.

Fourth, preparation for the depositions involved input from members of the research community, as well as outside medical consultation, study of relevant materials from all past government investigations, and a careful review of all the relevant available literature on the subject. From the very beginning, the Board has received correspondence with suggestions, leads, and requests related to the medical evidence. All of the information received has been carefully reviewed and, in many instances, has been helpful.

“Scelso” HSCA Documents

A category of records that has received a lot of attention involve a former CIA employee who testified before the HSCA in executive session under the pseudonym “John Scelso.” I would like to tell you as much as we now can about this individual and the relevant records.

The Review Board has postponed the name of this former CIA employee who was involved in the assassination investigation. The Board voted to release the individual’s name in 188 “Scelso” documents on either May 1, 2001, or three months after the death of the individual whose name is postponed, whichever occurs first.

The Review Board is very much aware of the research community's interest in knowing the identity of the person identified in the records under the pseudonym of "John Scelso." The ARRB received extensive information about the true identity of Mr. Scelso. Because of issues related to his identity, the Board decided that Mr. Scelso should be protected for five years, after which his true name will be revealed.

The ARRB is obtaining additional information regarding Mr. Scelso's work at the CIA both before and after the assassination. Much of this information has already been revealed in Mr. Scelso's sworn testimony before the HSCA , which will be made available to the public shortly. Moreover, additional information gathered by the ARRB regarding Mr. Scelso also will be made available within the next year.

Completing Our Mandate

Many researchers have expressed concern about the amount of work that the Board still has ahead of it and the limited amount of time (about thirteen months) in which to complete it. Please be assured that the Board intends to work very hard and to fulfill its mandate as best it can in the time allocated. However, the Board's ability to do so is at least in part dependent upon the various federal agencies that hold assassination records and the progress that they make in processing documents. Clearly, the pace for the review of documents must continue to increase if the Board is to complete its task.

The Review Board will continue operations until September 30, 1997, as dictated by the law. It would not be up to the Board to extend its mandate beyond that date. Such a decision would be reserved for the Congress and the President.

Conclusion

I hope that this report on behalf of the Review Board has been of interest to the research community. The members of the Board appreciate the support and constructive advice we have received from so many of you since we began this overwhelming task. We will continue to work toward fulfilling our mandate during the coming year and keeping you informed about our progress. During the course of our efforts, I hope that we have renewed some public confidence in government.

As I have stated before, your input is important. Please do not hesitate to contact us if you have any comments or questions for the Board or staff. We can be reached by writing to: Assassination Records Review Board, 600 E Street, NW, Second Floor, Washington, D.C. 20530 or calling: (202) 724-0088.

List of Appendices

1. Final Determination Forms

Final Determination Forms for every document containing postponements sustained by the Review Board through the October 1995 meeting.

2. List of Formal Determinations

Actions taken by the Review Board for all documents reviewed through the October 1995 meeting.

3. List of Regulatory Actions

List of notices and proposed final rules.

LIST OF REGULATORY ACTIONS

"Guidance on Interpreting and Implementing the President John F. Kennedy Assassination Records Collection Act of 1992," Proposed Interpretive Regulation, 60 F.R. 7,506 (February 8, 1995).

"Rules Implementing the Government in the Sunshine Act," Notice of Proposed Rulemaking, 60 F.R. 32,930 (June 26, 1995).

"Guidance on Interpreting and Implementing the President John F. Kennedy Assassination Records Collection Act of 1992," Final Regulations, 60 F.R. 33,345 (June 28, 1995).

"Rules Implementing the Freedom of Information Act," Notice of Proposed Rulemaking, 60 F.R. 34,193 (June 30, 1995).

"Assassination Records Review Board Rules of Procedure," adopted on July 12, 1995.

"Rules Implementing the Privacy Act," Notice of Proposed Rulemaking, 60 F.R. 39,905 (August 4, 1995).

"Rules Implementing the Government in the Sunshine Act," Final Rulemaking, 60 F.R. 45,335 (August 31, 1995) (to be codified at 36 CFR Part 1405).

"Rules Implementing the Freedom of Information Act," Final Rulemaking, 60 F.R. 45,338 (August 31, 1995) (to be codified at 36 CFR Part 1410).

"Freedom of Information Act Statement of Organization, Functions, and Authority Delegations," 60 F.R. 51,733 (October 3, 1995).

"Rules Implementing the Privacy Act," Final Rulemaking, 60 F.R. 64,122 (December 14, 1995) (to be codified at 36 CFR Part 1415).

"Privacy Act Systems of Records," Notice, 60 F.R. 64,143 (December 14, 1995).

Appendix 1

Final Determination Forms

Please see Congressional File 10.4 or the Reading Room Notebook if you wish to see Appendix 1.

Appendix 2

List of Formal Determinations

Appendix 3

List of Regulatory Actions