

April 7, 2017

LCDR R. D. Bastien  
Office of Naval Intelligence  
4251 Suitland Road  
Washington, D.C. 20395-5720

Dear LCDR Bastien:

The purpose of this letter is to memorialize for the record the meeting held on January 29, 1998, between yourself, Jim Goslee, and me from the Assassination Records Review Board staff. We met on that date at your office in Suitland as a result of ARRB's written request dated January 8, 1998, in which we requested to meet with the ONI official most knowledgeable about ONI records management. Subsequently, our meeting with you evolved into an overall review of past ARRB-ONI interface, and a discussion of future actions related to compliance with the JFK Act.

This letter will revisit in some detail the discussions held about past events through the medium of enclosures exchanged between you and me, and will also address future action items for both ONI and the ARRB agreed to by you and me at this meeting. Since the purpose of this letter is to record the dealings between our two organizations, please do not hesitate to notify us in writing should you feel corrections need to be made to any of the points in this letter.

First, I provided a two-page synopsis of my understanding of the chronology of events between ONI and the ARRB up to January 29, 1998 (the day of our meeting), along with its own package of supporting documents; this synopsis (without the supporting documentation, which was provided to you in person) is appended here as attachment 1. Following your review of attachment 1, you suggested a correction in my summation of information provided by LCDR Pike in the paragraph dated "11 Mar 1997," in which I quoted her as saying that ONI searches would include district offices within CONUS. You advised that although ONI once had district offices in the past, there are no longer any district offices within CONUS, subsequent to the Naval Criminal Investigative Service (NCIS) splitting away from ONI as a separate entity. You further clarified that the only locations where you would expect to find ONI records today would be at the Federal Records Center in Suitland, at the Naval Historical Center, or at Archives II in College Park. You also stated that any "119" reports (raw investigative reports prepared by NIS agents at the direction of ONI in the late

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1950s and early 1960s) should be requested from the Naval Criminal Investigative Service (NCIS), not from ONI, since NCIS now has responsibility for retention of these records. Other than these clarifications, you offered no other comments or emendations to attachment 1, except to inquire why the ARRB had sent a letter to the Navy Office of General Counsel (OGC) on January 8, 1998, requesting a meeting with ONI (rather than contacting ONI directly). In response, I explained that the Review Board had established a compliance program with each component of the Armed Services, in which we desired that a single official from each service be designated the "JFK Act Compliance Official," or sole point of contact with the ARRB. It was the Navy that identified LTCol M. E. Finnie, USMC, at Navy OGC, as the Navy compliance official.

Next, we discussed a list of ARRB search requests, provided to you that day with its own accompanying list of amplifying enclosures, provided here as attachment 2 (without the supporting documentation, which was provided to you in person). We discussed its requests at length, and listed below in this paragraph are the results of our discussion regarding each search request in attachment 2. First, in response to item I, you certified that the ONI records searches conducted to date had indeed included all specified categories in the Navy OGC memorandum of 25 February, 1997. In regard to items II and V, you stated that the ARRB should pursue these search issues with NCIS, since ONI was no longer responsible for these types of records, and the NCIS would be, if such records still existed. I agreed that the ARRB staff would pursue these issues with the NCIS. Finally, in regard to items III and IV, you were confident that ONI had searched for and had not located any files for the Director of ONI, but suggested that we should search RG 38, and you provided a point of contact for the ARRB for RG 38 matters, namely, Mr. Ron Marshall of OPNAV, at (202) 433-8861. I agreed that ARRB staff would contact Mr. Marshall in an attempt to determine whether any correspondence files of the Director, ONI were included in RG 38.

Finally, I provided to you a third enclosure, labeled here as attachment 3, titled: "Declassification Review and Processing of ONI Assassination Records." This was a two-page primer designed as a working aid to anyone in a Federal Branch agency involved in conducting declassification review, and in identifying proposed postponements, under the terms of the JFK Act. You reviewed it briefly, and seemed to find it satisfactory as a working tool that you could provide to ONI Navy Reservists who would be processing documents under the provisions of the Act.

Next, you provided me with several enclosures (which I had not yet seen) that were either ONI certifications of completed searches, or responses to questions posed to ONI by Navy OGC. They are listed here as attachments 4, 5, 6 and 7. For unexplained reasons, these had not been passed to the ARRB by Navy OGC. Consequently, you expressed a preference, and I agreed, that henceforth, for all working matters of daily liaison, the ARRB staff would deal directly with you at ONI on JFK

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Act issues, even though the "JFK Act Compliance Official" heretofore had been formally sited at Navy OGC.<sup>1</sup>

A principal purpose of our meeting was to discuss the status of the approximately .8 cubic feet of defector records (considered responsive to the JFK Act by the Review Board staff, and responsive to paragraph 3e of the Navy General Counsel search guidelines promulgated by its February 25, 1997 memorandum) that were located by LCDR Pike and shown to me at the April 21, 1997 meeting at ONI. Although LCDR Pike had promised delivery of the originals of those documents to the Review Board within two to four weeks of the April 21, 1997 meeting, and although ARRB staff received a fax from LCDR Pike on May 12, 1997, in which she wrote that she had finished declassifying the ONI material and that we should have it soon, the Review Board was still not in receipt of these documents as of the time of our meeting on January 29, 1998. Because the ARRB staff had belatedly made known to LCDR Pike the statutory requirement in the JFK Act for each agency to create Record Identification Forms (RIFs) for each assassination record,<sup>2</sup> we had been patient regarding non-receipt of these records, but I felt it prudent to discuss resolution of the issue at our meeting. You had already assembled the records in your office (now assembled in 7 three ring binders instead of 18 separate folders), and they were briefly reviewed by Mr. Goslee and me in your presence. Based upon our cursory examination, it appeared that for some of the documents declassification review had been completed, and for others it had not been completed. You expressed concerns over lack of time to accomplish third agency equity review prior to the shutdown of the ARRB, and you also expressed concern over lack of personnel resources to accomplish the creation of RIFs. After some discussion, you and I agreed on the following solutions to these problems:

- (1) You agreed that ONI Reserve personnel would be assigned to create RIFs and complete declassification review in accordance with the provisions of Section 6 of the JFK Act.

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<sup>1</sup>Subsequent to our meeting, on March 23, 1998, the Executive Director of the Review Board, Mr. T. Jeremy Gunn, sent a letter to RADM Jacoby, Commander, Office of Naval Intelligence, requesting that he assign an ONI Agency Compliance Official to handle JFK Act matters. On March 26, 1998, you called me to informally announce that you would be designated the ONI Agency Compliance Official, but that subject letter would likely not leave your command until mid-April because you had received TAD orders to sit on a Selection Board.

<sup>2</sup>ARRB staff member Christopher Barger mailed the NARA software for the creation of RIFs to LCDR Pike on June 6, 1997 under cover of a formal memorandum.

- (2) I agreed that Mr. Jim Goslee, ARRB staff analyst, would provide training to selected ONI Reserve personnel in the mechanics of using the NARA-provided software to create RIFs.<sup>3</sup>
- (3) You agreed to devote resources necessary to complete the creation of RIFs, and complete declassification review of ONI equities in the defector records, and deliver same to the ARRB staff in accordance with the procedures in attachment 3 to this letter, not later than May 30, 1998.
- (4) I agreed that the ARRB would be responsible for ensuring that third party equities were reviewed at the Joint Declassification Sessions held approximately every 90 days at the ARRB's offices, and that only after this process was completed would final determinations be made as to whether ONI defector records could be released to the public via the JFK Collection at NARA.<sup>4</sup>
- (5) I promised that as in the case of all other agencies the ARRB deals with, ONI would be formally notified of Board Determinations regarding any desired postponements that ONI had identified in its review process.

When you called me on March 26, 1998, to discuss the March 23, 1998 ARRB letter to RADM Jacoby, and the ARRB Compliance Program, I informed you that LCDR Pike had recently mentioned to our staff that she had located Naval Attache Records responsive to the JFK Act during her searches of RG 289, and had placed them in a box that she had labeled "44 U.S.C. 2107." It was unclear from our conversation with her whether this box was left at the Federal Records Center in Suitland, or whether it was located at ONI headquarters. You indicated unawareness of any such box of records during our telephone conversation, but agreed to conduct a search. I bring this matter up here simply to reiterate our desire that ONI conduct a search for the Naval Attache records alluded to by LCDR Pike in her March 16, 1998 conversation with Review Board staff.

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<sup>3</sup>Mr. Goslee subsequently provided this training on-site, at ONI in Suitland, on Saturday, March 6, 1997 to Reserve personnel working for LCDR Carol Humphries, USNR.

<sup>4</sup>It is incumbent, however, upon ONI to identify the third agencies who have equities in each document on the RIF in the remarks section, so that ARRB staff subsequently knows to whom to address the referral.

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In response to a question you posed both at our meeting on January 29, 1998, and during our March 26, 1998 telephone conversation, ONI's point-of-contact should any records responsive to the JFK Act be found after the ARRB shuts down on September 30, 1998, should be Mr. Steven D. Tilley, NARA JFK Liaison Officer, Textual Reference Division, 8601 Adelphi Road, Room 6350, College Park, Maryland, 20740; telephone (301) 713-6620 x360.

One final matter requires clarification. In my contemporaneous notes of our conversation, I wrote that you indicated to me that ONI had conducted searches of Federal Record Centers at Suitland, Boston, Seattle, San Francisco, Atlanta, and San Diego; however, the search certifications you handed me only covered ONI searches in Suitland, Boston, Los Angeles, and Seattle. Please confirm for me, in writing, whether my notes are correct regarding your statement that ONI conducted searches of records centers in San Francisco, Atlanta, and San Diego, and if documentation exists of the dates and results of those searches, please provide same to the ARRB via first class mail.

I appreciate very much your cooperation to date, and look forward to hearing from you should you have any clarifications or corrections to make to my recollections of our meeting on January 29, 1998.

Sincerely,

D. P. Horne  
Chief Analyst for Military Records

Enclosures

cc: Navy OGC (LtCol M. E. Finnie, USMC)