

1 | ASSASSINATION RECORDS REVIEW BOARD

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3 | PUBLIC MEETING

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6 | *Archivists Reception Room*

7 | *Room 105*

8 | *National Archives and Records*

9 | *Administration*

10 | *7th and Pennsylvania Avenue, N.W.*

11 | *Washington, D.C.*

12 |
13 | *Tuesday, July 12, 1994*

14 |
15 | *The above-entitled meeting commenced, pursuant to notice, at 10:00*

16 | *a.m., John R. Tunheim, chairman, presiding.*

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MEMBERS PRESENT:

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JOHN R. TUNHEIM, *Chairman*

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HENRY GRAFF

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KERMIT HALL

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WILLIAM JOYCE

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ANNA K. NELSON

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P R O C E E D I N G S

[10:00 a.m.]

C A L L T O O R D E R

MR. TUNHEIM: Good morning. I will call to order the meeting of the Assassination Records Review Board. This is our second public meeting. We are very glad to see all of you here. We have got a rather full agenda this morning. We will do our best to proceed through it as quickly as we can.

R E P O R T O N C O N G R E S S I O N A L M A T T E R S

MR. TUNHEIM: The first matter on our agenda is a brief report on a couple of items that are going through Congress right now that affect the Board. The first is the appropriation for fiscal year 1995. That matter is currently before a House/Senate conference committee, the Treasury, Postal and General Government Conference Committee of Appropriations.

The House passed bill has an appropriation for fiscal year 1995 for the Board of \$2.418 million, which is the amount that was approved by the Office of Management and Budget, the amount that we had requested. That money was removed in the Senate version of the bill, so there is a discrepancy between the two

1 bills. The Senate bill currently does not have funding for the Review Board for the
2 next fiscal year.

3 We are hopeful of resolving that matter this week. In fact, I
4 understand the conference committee is meeting this week and we are hopeful that
5 will be resolved in a manner that includes the House provision.

6 The second item affecting the Board is a group of what we
7 characterize as technical amendments which are moving through Congress right now
8 to fix a couple provisions of the original bill. It's H.R. 4569. My understanding
9 from Mr. Turner from the House Government Operations Committee is that the bill
10 is going to be on the floor today.

11 It has not progressed as fast in the Senate, but one of the aspects of
12 the bill will be to extend the existence of the Board for another year beyond 1995.
13 So under that version of the legislation, the corrective legislation would have the
14 Board operating through the end of October of 1996. Other provisions in the bill
15 would permit us to do our work more quickly. That is the entire intention of the
16 corrective amendments.

17 REPORT ON EXECUTIVE DIRECTOR APPLICATION PROCESS

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1 MR. TUNHEIM: I would like to ask Dr. Hall to describe the Executive
2 Director application process which we have gone through over the past three
3 months.

4 MR. HALL: Jack, thank you.

5 The Assassination Records Review Board during the latter part of
6 April and May and into the early part of June conducted a nationwide, and indeed,
7 as it turned out, an international search for an Executive Director. Our search
8 process involved the placement of advertisements and notices about the position in
9 the pertinent Federal Register and related materials as well as in major newspapers
10 around the country, most especially the New York Times and The Washington Post.
11 That process yielded over 400 applicants for the position of Executive Director.

12 We met in early June to reduce that number of applicants. We were
13 successful in getting it down to seven. We brought the seven to Washington and
14 interviewed them in approximately hour and a half sessions each. The result of
15 that was a unanimous understanding about the person that we wished to offer the
16 position to.

17 Inasmuch as it was aimed at finding a person with recognized abilities

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1 as an investigator, someone who understood the archival community and its
2 operation, and someone who did in their present position not violate any of the
3 provisions of the statute with regard to present governmental employment, we felt
4 that we yielded up a really quite good pool of candidates, and indeed the Board,
5 while unanimous in its understanding of this matter, nonetheless was pleased with
6 having to struggle to reach that decision because of the quality of the applicants.

7 In recognition of that fact, Mr. Chairman, I would like to offer a
8 motion to the full Board. The purpose of this motion is to have us publicly vote and
9 recognize by way of offer the position of Executive Director to David G. Marwell.
10 Mr. Marwell is a private citizen of integrity and impartiality with a distinguished
11 professional record. He holds a Ph.D. in history from the State University of New
12 York at Binghamton, and he has also served for the previous five years as director of
13 the Berlin Document Center. His position there ended July 1, when the records
14 were turned over, of course, to the German Government.

15 Mr. Marwell, in addition to his service at the Berlin Document Center,
16 has also been involved as the chief investigative researcher in the Office of Special
17 Investigations at the Department of Justice where he served from 1980 through
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1 1988. In that capacity he was extensively involved with locating records involving
2 Joseph Mengele and Claus Barbie, and we were all of the mind that that experience
3 coupled with his experience in Berlin put him in the position of being the person that
4 would best suit our needs. It is therefore the sense of the motion, Mr. Chairman,
5 that we offer the position as Executive Director to Mr. Marwell under the terms of
6 the resolution that is before the Board, and I so move.

7 MR. TUNHEIM: Is there a second to the motion?

8 MR. GRAFF: Second.

9 CONSIDERATION OF RESOLUTION APPOINTING EXECUTIVE DIRECTOR

10 MR. TUNHEIM: It has been moved and seconded that the Board
11 appoint David G. Marwell as Executive Director. Is there any discussion on the
12 motion?

13 [No response.]

14 MR. TUNHEIM: We will proceed to the vote. All those in favor say
15 aye.

16 [Chorus of ayes.]

17 MR. TUNHEIM: Opposed say no.

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1 [No response.]

2 MR. TUNHEIM: It is carried.

3 We are all looking forward to working with Mr. Marwell. I have some
4 biographical information on him that I will ask Steve or Susan to pass out. I think
5 this is an exciting development for the Board. Mr. Marwell is a distinguished
6 professional and someone who I think will help guide us through the tasks that we
7 have ahead of us over the next two to three years. So we are looking forward to
8 Mr. Marwell's coming on board with us. It is my understanding that he can begin
9 effective August 8 so that we will have a staff here in Washington beginning August
10 8, with more to come.

11 There is another housekeeping matter that we need to take care of
12 today. This is a formality. In light of the fact of the unique provisions of the
13 current law that we are operating under and the fact that our nomination and
14 confirmation process was significantly delayed, we have a need to formally extend
15 our existence for an additional year, which we have the right to do under the
16 existing legislation. I say this is a formality because of the fact of the bill that is
17 now proceeding through Congress which we anticipate will face no difficulties, but

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1 nonetheless we should do this anyway.

2 Anna, would you care to talk about this issue?

3 CONSIDERATION OF EXTENSION OF REVIEW BOARD TERM

4 MS. NELSON: This is a resolution of technical amendments, basically.

5 Because we got such a late start, as you know we officially end next October, not
6 having yet begun. This is a resolution to extend the term, which we can do as a
7 board; we can extend ourselves one year according to the statute. This is a
8 resolution that would extend us to October of 1995 -- I guess it's October of 1995
9 because we expire in October of 1994 -- and give us an extra year. Then there
10 will an effort in the Congress to extend us further. But we need that in order to
11 proceed at this time. Since the statute allows us to do this, this is a resolution that
12 extends our term for another year. I move we accept this resolution.

13 MR. TUNHEIM: Is there a second to the motion?

14 MR. GRAFF: Second.

15 MR. TUNHEIM: It has been moved and seconded that the term of
16 the Review Board be extended one year, through October 27, I believe, 1995. Is
17 there a discussion on the motion?

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1 [No response.]

2 MR. TUNHEIM: We will proceed to the vote. All those in favor say

3 aye.

4 [Chorus of ayes.]

5 MR. TUNHEIM: Opposed say no.

6 [No response.]

7 MR. TUNHEIM: It's carried.

8 REPORT ON ADMINISTRATIVE MATTERS WITH GSA

9 MR. TUNHEIM: Next on our agenda I had intended a brief discussion
10 about administrative-related matters with the people that we have been working
11 with at the General Services Administration, and we may put that back on later on.

12 Let me just say that we are hopeful of being able to move into office space just a
13 stone's throw away from this building relatively soon, as soon as some final
14 construction work is completed. The building is 633 Indiana Avenue. You can see
15 it if you look out the window here. It is excellent space. It is ready to go. There
16 are some security measures that need to be constructed before we take occupancy,
17 but I'm hopeful that within the next month we will move into that building and we

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1 will have an entire floor of that building.

2 The rest of the building currently houses the Bureau of Justice
3 programs of the Justice Department, so there is significant security in the building
4 already. So we are looking forward to taking over office space and having a place
5 for receipt of mail in Washington so that we don't have to prevail upon Steve Tilley
6 to handle our mail any longer. He has been a wonderful help to us as we have gone
7 through the organizational process.

8 I have signed several memoranda of understanding in order to get us
9 start-up appropriations. I wanted to raise that issue right now for the Board to
10 officially approve.

11 As many of you know who have been following the Board's existence,
12 there was no start-up fund for the Board created in the legislation or the
13 appropriation process. Through the good graces of the White House Office of
14 Administration we were able to procure \$250,000 as start-up funds with
15 significant assistance from the Office of Management and Budget helping us to get
16 off the ground before a congressional appropriation is available to us. That
17 memorandum of understanding has been signed with the White House Office of

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1 Administration and the General Services Administration, and we have also signed an
2 additional memorandum of understanding with the General Services Administration
3 for providing administrative services for the Board.

4 Henry.

5 APPROVAL OF MEMORANDA OF UNDERSTANDING WITH
6 WHITE HOUSE AND GSA

7 MR. GRAFF: I move that the Board formally approve the
8 memoranda of understanding that the Chairman has signed on our behalf.

9 MR. TUNHEIM: Is there a second to that motion?

10 MS. NELSON: Second.

11 MR. TUNHEIM: Moved and seconded to approve the memoranda of
12 understanding. Is there any discussion?

13 [No response.]

14 MR. TUNHEIM: We will proceed to the vote. All those in favor say
15 aye.

16 [Chorus of ayes.]

17 MR. TUNHEIM: Opposed say no.

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1 [No response.]

2 MR. TUNHEIM: *It's carried.*

3 REVIEW OF AGENCIES' PROGRESS IN REVIEWING RECORDS

4 MR. TUNHEIM: *Mr. Joyce has been engaged in the process to start*
5 *our relationship with quite a number of federal agencies that possess assassination*
6 *records and are going through their own review processes. We will engage the*
7 *agencies far more significantly this fall when we have a staff available to do that.*
8 *But in advance of that, Mr. Joyce has been providing a real service to the Board in*
9 *beginning those discussions with the agencies, and I would like him to report on that*
10 *right now.*

11 MR. JOYCE: *Thank you, Mr. Chairman. With the assistance of*
12 *Steve Tilley of the Archives staff we have put together a list of some 55 agencies to*
13 *whom I have now written to ascertain what quantity of assassination-related*
14 *records remain in the agencies and what might constitute a significant part of the*
15 *workload of this Board. It seems to us that in order to gauge the work before us it*
16 *is essential to begin by understanding at some level what volume of records exist in*
17 *the agencies now. Of course there are other aspects to our work, but as part of*

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1 developing the work plan it seems to us that we need to have more information.

2 As I say, I have written to some 55 agencies. Although the reporting
3 deadline has not yet come, I have nearly 20 responses to date, which have been
4 helpful both in terms of identifying additional sources of inquiry to make concerning
5 assassination-related records as well as to provide raw data itself.

6 I am not at this moment really in a position to report meaningful
7 numbers, in part because a number of responses have suggested that there are
8 additional places to search. I have sent out a second round of letters and expect
9 that there will be additional letters to follow shortly. However, by the time we
10 have staffing in place, probably in the autumn, we should be in a position to assist
11 the staff by providing information about what records exist in the agencies.

12 MR. TUNHEIM: Any questions for Mr. Joyce?

13 MS. NELSON: I am interested, Bill, in the fact that they still have
14 not searched every corner. And also the sheer number. I think the sheer number
15 is appalling, 55 agencies. Did you divide the Department of Defense? Is that part
16 of it?

17 MR. JOYCE: There is more than one in several departments, yes.

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1 As direct an approach as possible to as many places that might hold records seemed
2 advisable.

3 MS. NELSON: Yes. I think it was a very good idea.

4 MR. TUNHEIM: Other questions or comments?

5 [No response.]

6 MR. TUNHEIM: Thank you very much, Bill. We appreciate the work
7 that you have done in getting this effort started. We will pick that up with our
8 staff this fall.

9 DISCUSSION OF BOARD PLANS THROUGH END

10 OF FISCAL YEAR 1994

11 MR. TUNHEIM: We have a period of time on our agenda for a
12 discussion of the Board plans through the end of this fiscal year. We are somewhat
13 limited due to the money that we have available to us and the need to staff our
14 office, to begin paying rent and those kinds of expenses that come the way of a new
15 federal agency. I think from my standpoint we are very hopeful that we will have
16 a small corps of staff started working for us in September so that when October 1
17 comes around and we have the full year's appropriation from Congress we will be

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1 ready to staff up quite quickly with additional records review personnel and
2 investigators.

3 I believe the Board is of the mind that we would like to hold a series of
4 public hearings, several in Washington and a number around the country, to gather
5 input from the public as to how we should define the term "assassination record," to
6 gather input on where records might exist. Certainly records in other places
7 outside of Washington where a more formal identification process has already gone
8 on. We are anxious to begin that process. We are limited really at this point only
9 by the availability of staff and funds to accomplish that.

10 I think that we will have money available for our first public hearing
11 in September. We are certainly hopeful of that. I would like to ask other Board
12 members to give their thoughts on our plans over the next several months.

13 MS. NELSON: Actually, we had hoped to have a public hearing even
14 earlier. We had to give people time to answer our ad for the Executive Director
15 and to do a legitimate and thorough search. That was one of the things that held
16 us up and I think it was really worth it.

17 The public hearings obviously will have to help us bring in information
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1 about where records are and where new sources are. That was the thrust of our
2 conversation. It will probably have to be somewhat limited because of the sheer
3 numbers of people who are interested, but we really do want to reach out. I think
4 one of the first things that we discussed was reaching out to the groups that had
5 information and were interested and could in fact aid the work of the Board.

6 That, I think, has been on our agenda from the very beginning, limited
7 only by the funds. Of course they will be further limited if our budget for 1995 is
8 cut. We won't be able to have as many public hearings. They are rather expensive
9 to put on. That may limit how far around the country we can go. It's not so
10 expensive in Washington, but it is, of course, if you have to have public hearings in
11 another city.

12 MR. TUNHEIM: Further comments?

13 MR. JOYCE: Mr. Chairman, it seems to me that as we plan the work
14 of this Board over the course of the next year or so that we have to think of our
15 effort as going in two opposite and yet in some basic way complementary directions.

16 One is to reach out to the research community for assistance, as
17 Chairman Tunheim has said, concerning the definition of "assassination records" and

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1 where those records might be located.

2 In addition to that, to work with the agencies that have records that
3 we already know about, to assist them in bringing these records to light.

4 So our plan must consist of a special effort to reach into these two
5 constituencies and develop appropriate ways and means of relating to both.

6 MS. NELSON: I might add, if I can, that I think there is an element
7 of impatience from all sides that we have not yet really zeroed in on documents,
8 that we are not going to zero in on documents very soon, but I think that everyone
9 would agree that we must define the documents we are looking for. It is a big
10 chore to define what is an assassination document, to discuss this with the agencies
11 and to discuss it with the community. I think in the long run it will be to
12 everyone's advantage if we take a little more time to establish our views, our sense
13 of what we want to look for, rather than leaping immediately into the world of
14 records.

15 MR. GRAFF: I think it's worth pointing out that all of us individually
16 have received from many people out there suggestions as to where we might find
17 information or theories about the assassination and that we have a suspicion that

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1 that is just the tip of the iceberg as we begin to look about for the availability of
2 documents. We ultimately don't know how large that pool of documents will turn
3 out to be, but we are attentive to the magnitude of the task.

4 MR. TUNHEIM: I believe that once October 1 hits and we have the
5 full congressional appropriation the pace will speed up considerably. Most of what
6 we are doing right now is to prepare for that time, to be ready so that we will have
7 a staff there and be ready to move. We are very cognizant of the fact that we will
8 have at most two, perhaps three years to accomplish this task, so that once we have
9 a staff in place we are going to move fast.

10 I think our search for an Executive Director was both careful and
11 measured and thorough. I think this Board will take the same approach toward
12 the task of hunting for documents and identifying documents that are related to the
13 Kennedy assassination so that we can have a thorough report in the end on what we
14 have found and what is going to be available to the public.

15 We have time on our agenda to hear from Steve Tilley, who is the
16 coordinator of the JFK collection in the National Archives. Steve is with us here at
17 the table. He has been an invaluable help to the Board in the last several months as

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1 we have existed without a staff trying to fly in from our far-flung locations, and in
2 Ms. Nelson's case riding Metro, I guess. Steve has been very helpful to us in
3 organizing our administrative tasks and just providing a great deal of assistance to
4 us. We would like to hear from Steve at this point on the developments that have
5 occurred with the collection in the last several months since we had our last meeting
6 in April and our last report.

7 Steve.

8 REPORT FROM STEVE TILLEY, NATIONAL ARCHIVES

9 MR. TILLEY: Thank you, Mr. Chairman. There have been three
10 major openings of records in the JFK collection since the Board last met on April
11 12. That very week, April 15, the Archives made available the remaining tape
12 recordings of telephone conversations from the Johnson Library that related to the
13 assassination. The conversations covered a period of December of 1963, January
14 and February of 1964, and December of 1966 and January of 1967.

15 These conversations reflected the work of the Johnson Library staff in
16 reviewing the tape recordings at the Johnson Library. They had identified these
17 conversations as the remaining conversations that related to the assassination that

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1 were in their custody.

2 The transcripts of these conversations were already part of the
3 collection at the time the tape recordings were made available. So we were aware
4 of what conversations were coming and what we opened on the 15th were the tape
5 recordings themselves. As I say, the transcripts had already been made available.

6 The tape recordings of the conversations of November of 1963 had
7 been made available in the fall of 1993. So at this time we have all of the tape
8 recordings which have been identified by the Johnson Library as being relevant to
9 the assassination.

10 On May 3 the second opening that took place involved a large amount
11 of material and the records that were made available on that day included the
12 headquarters files of the Federal Bureau of Investigation on their investigation of the
13 assassination of President Kennedy. Included in those files was a great deal of
14 physical evidence that had been gathered by the FBI and had been examined by
15 their laboratory at the time. At that time there was a great deal of press coverage
16 on that particular file with interest in a lot of the photographs and the other items
17 that were made available at that time.

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1 Also opened that day were field office files of the FBI on Lee Harvey
2 Oswald from their Dallas, Mexico City and New Orleans field offices.

3 A third item that was made available that day were additional
4 records of the Church committee; seven additional boxes of the Church committee
5 were made available on that day.

6 Finally, the records of the Department of Justice, their Freedom of
7 Information Act litigation files, Appeals Court litigation files relating to assassination
8 records were made available on that day.

9 On June 10 we had our third opening of assassination records. That
10 opening consists entirely of records of the Federal Bureau of Investigation. What
11 was opened on that day consisted of the remaining field office files related to Lee
12 Harvey Oswald and field office files on the assassination of President Kennedy from
13 the offices of Dallas and New Orleans.

14 Since June 10 we have acquired some additional records that we have
15 not made available yet. Under the statute we have 30 days from the time we
16 receive records until they have to be made available to the public. Last week we
17 received the remaining field office files of the FBI from their investigation of the

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1 *assassination of the President.*

2 *Also in that transfer from the FBI we received the FBI's files that*
3 *related to their work with the Pike committee. This is a fairly small amount of*
4 *material. It must be remembered that the Pike committee looked at a number of*
5 *different issues at the time it held its hearings only one aspect of which was the*
6 *assassination of President Kennedy. So therefore we don't have everything the FBI*
7 *did in relation to Pike, simply those that are relevant to the assassination.*

8 *We also received ten additional boxes of records of the Church*
9 *committee. Included in those boxes are the first executive session transcripts of*
10 *testimony taken by the committee at the time they held their investigation. Up to*
11 *this time the 22 boxes we currently have from the Church committee are basically*
12 *all documents that were acquired by the committee staff. These ten boxes we have*
13 *just brought in in the last few days contain the first testimony that has been made*
14 *available from the Church committee records.*

15 *We are also expecting some additional transfers over the rest of the*
16 *summer. Last month I met with representatives of the Historical Review Group at*
17 *the Central Intelligence Agency to discuss their ongoing review of records that are*

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1 still in their possession. At that meeting they indicated that during the summer
2 they plan to transfer an additional 70,000 pages of materials. These documents
3 are documents that were actually from the microfilm. I believe there were 73 reels
4 of microfilm that were made available to the House Select Committee at the time
5 the committee was doing its work. The CIA has printed those microfilm rolls onto
6 paper and has been reviewing that material over the last few months. Sometime
7 during the summer they will be transferring approximately 70,000 additional pages
8 to us from those microfilm rolls.

9 In addition, they also plan to transfer approximately 20,000 pages of
10 documents which were created by the staff of the House Select Committee at the
11 time the committee conducted its review of those files. They will be transferring
12 those files to us with recommendations for postponement of some information in
13 those documents.

14 The difference with these records is that the records of the House
15 Select Committee are actually the legal responsibility of the House Administration
16 Committee in conjunction with the National Archives through an agreement that
17 was worked out at the time the review was begun. The Archives in effect acts as

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1 an agent for the House Administration Committee. The House Administration
2 Committee is the final authority on disclosure of the documents of the HSCA.

3 The problem we are going to have there is that this is not technically
4 a transfer under the statute, because the Archives will now have to do the data
5 entry and put the information into the database for these pages of documents. So
6 we will not be able to make those records available within 30 days. We have
7 already discussed it with our Center for Legislative Archives here and we are
8 beginning to look at how we can begin to do that data entry once the transfer is
9 made. So as soon as we have those records we will start the process of getting the
10 data entry done on those documents.

11 While I am mentioning the database, let me go on to say that the
12 database is unchanged at this time. Since the last time the Board met we have
13 made no additional entries into the database itself, having received no additional
14 disks from any agencies other than a few minor items. Frankly, there is so much
15 work involved in updating the database we would like to wait until we have a
16 significant number of disks. So when we get the major transfer of disks, then we
17 will be updating that database.

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1 That does not mean that the documents that aren't covered in the
2 database are not findable. We have created other finding aids, the title lists and
3 other standard archival finding aids for those records which are not in the database.

4 I think we have been able to adequately serve the public on those records.

5 We are also continuing work on automating the database better, to
6 make it faster, to improve our searching capabilities, and we are continuing to work
7 on making the database available through the Internet eventually, as the statute
8 envisions and as Trudy Peterson, the acting archivist, testified last year in our
9 oversight hearings, and we are continuing to work on making the database available
10 electronically throughout the country.

11 Let me comment a little bit on the continuing research load. The
12 level of research interest continues to increase on the collection. There has been no
13 diminution at all in the level of interest in these records. The researchers are
14 coming. We continue to get written inquiries. Since last August we have received
15 over 450 written inquiries on this, and that, of course, does not include the phone
16 calls and the people who come in to do research now at Archives II, our new facility
17 at College Park. So the level of interest continues high in the collection.

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1 Frankly, I see no evidence that it is going to be going down. I think it
2 continues to remain quite high. Very, very many people are interested in working
3 in this area.

4 As far as additional records, to comment on the area that Mr. Joyce
5 was discussing, we are aware of several agencies that are still reviewing documents,
6 as the CIA is still doing on that one area. As I mentioned at our last meeting, there
7 had been a discovery of some Post Office Department records. We have provided
8 data disks to the Post Office records management people for them to begin their
9 work, and hopefully that is proceeding apace.

10 The Army had provided us with a small amount of materials
11 concerning the testing of the rifle that was conducted at Aberdeen Proving Ground
12 in 1964, some tests of the firing of the rifle and things like that, and those records
13 have been recently turned over to the Archives and are now at Archives II.

14 We recently received some records from the Naval Criminal
15 Investigative Service which contain information from the Office of Naval Intelligence
16 and some of their work in the aftermath of the assassination.

17 So those are some smaller groups of records that are either in process

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1 or have been recently turned over to us as part of the collection. We did not have a
2 major opening of those records simply because we are talking about four boxes in
3 those two areas. Generally when we get small increments like that we just make
4 the researchers aware of it as they come in. I will often inform people I know are
5 interested in something in a particular area that something has been made available.

6 We don't do openings for four boxes of records. It's simply too much work. When
7 we get major groups of records, that is when we have our major openings out at
8 Archives II.

9 That is where we stand right now, Mr. Chairman.

10 MR. TUNHEIM: Are there questions for Mr. Tilley?

11 Thank you for your report, by the way. That was excellent.

12 Questions?

13 Go ahead, Mr. Joyce.

14 MR. JOYCE: Steve, what is the current volume of the Kennedy
15 assassination collection here at the Archives and what would you estimate is the
16 percentage of material in it that is not available for research?

17 MR. TILLEY: The collection currently is about 1,200 cubic feet of

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1 records and might even be a little bigger than that now with our most recent
2 additions which we haven't figured in yet, the ones that we haven't opened up.
3 Everything in that collection, of course, is available, and everything there is open.
4 We don't consider anything that has been postponed to be part of the collection at
5 this time. All postponed records are still in the possession of the agencies that
6 made the decisions on postponement, as the statute requires.

7 MS. NELSON: Number of pages per cubic foot, roughly?

8 MR. TILLEY: Roughly 2,500. That's a ballpark, rough estimate.
9 As I said at the last meeting, we don't spend a lot of time counting pages. We
10 don't have time. That's a figure that the Archives uses often as a rough estimate,
11 about 2,500 pages per cubic foot.

12 MR. TUNHEIM: Mr. Tilley, the collection that the Archives has, does
13 that include material that has been redacted in those documents that are officially
14 postponed for our consideration?

15 MR. TILLEY: Yes, it does.

16 MR. TUNHEIM: Can you estimate how many documents might have
17 redactions on them that are going to be coming our way?

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1 MR. TILLEY: I don't know if I could really make an accurate estimate
2 of that, Mr. Chairman. However, I can say that many documents do have
3 redactions. For the most part, my experience has been that the redactions are very
4 minor. Generally we are talking about a phrase or a few sentences, perhaps a
5 paragraph, and in some instances you do get whole documents redacted, or several
6 pages. But for the most part, based on my experience of many years of doing
7 access work and doing Freedom of Information review and things like that, I think
8 on the whole the level of redaction percentage-wise is much smaller in this instance
9 than it has been in the past when similar documents have been reviewed under the
10 Freedom of Information Act.

11 But yes, many documents do have redactions. Percentage-wise, I
12 would not want to hazard a guess, but if I had to be pinned down, I would say it's
13 not 50 percent have redactions. We have many, many documents which have been
14 released in full.

15 MR. TUNHEIM: Go ahead, Henry.

16 MR. GRAFF: Do you find a general willingness to turn over the
17 documents or do you find some examples of foot-dragging that you would care to

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1 tell us about?

2 MR. TILLEY: Mr. Graff, I honestly think that the agencies that we
3 have dealt with have really made a remarkable effort to comply with the statute. I
4 think I touched on this at the last meeting and I would like to say it again. The
5 relationship that I have had with the various agencies I have been dealing with has
6 been very cordial. They have been more than willing to discuss the issues and the
7 problems that are facing everybody.

8 I really don't think the question is one of foot-dragging. I think the
9 question, once again, is one of volume. There is more material out there than
10 people realize. It has been perhaps harder to find, but once again, the review
11 process is a very laborious process. It takes a long time to do the data entry.
12 Once we identify the material that needs to be reviewed, the agencies that we have
13 dealt with have been most helpful and have really worked very assiduously to get the
14 job done. I don't think there has been a problem with that.

15 MR. GRAFF: Excellent.

16 MR. TUNHEIM: Go ahead, Bill.

17 MR. JOYCE: If we can come back to the question I asked, you did
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1 refer in your report to records that were postponed in the Pike committee.
2 Perhaps it was the Church committee. In light of your comment, I am wondering
3 what the volume is of assassination-related records that are in the custody of the
4 Archives that are not available for research.

5 MR. TILLEY: You mean records that are in the legal custody of the
6 National Archives?

7 MR. JOYCE: Well, in the physical custody that might be the legal
8 property of another agency.

9 MR. TILLEY: Obviously the Archives has postponed material that
10 was ours to review. We have other types of documents which this Board is going to
11 want to address that are at this time not part of the collection for various reasons.
12 Either it's donated material or it's material that is subject to court seal or it's
13 material that the Archives in its own process has made a decision on postponement.

14 I'm not sure what the volume of that is, but I don't think there is a lot
15 of material that is currently closed that is in our custody when you consider the
16 overall size of the entire collection. We do have some donated materials that are
17 currently not part of the collection, and these materials are going to be one of the

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1 areas that this Board is going to have to address, how those donated materials are
2 going to fit into this collection.

3 The material that is under seal at the Kennedy Library, primarily the
4 interviews that were conducted by William Manchester with Jacqueline Kennedy
5 Onassis and Robert Kennedy, are not that large a volume of material, but it's
6 material that is a special area of concern. Of course the Board under the law is
7 given special powers to deal with that particular issue.

8 I think volume-wise we are not talking about a large volume of
9 materials that the Archives currently has in its custody, either its legal custody or its
10 physical custody for some of these items, but it could be some of the most
11 contentious information that this Board may have to deal with.

12 MS. NELSON: And important.

13 MR. TILLEY: And important, yes.

14 MS. NELSON: Steve, let's go back to the House Select Committee and
15 the House Administration Committee. Are the records of the Pike committee
16 having to be treated differently than those of the Church committee because of the
17 different rules in the Senate and the House?

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1 MR. TILLEY: I would assume, yes. Let me give you a little
2 background on that. The House Select Committee on Assassinations, the control of
3 their records was given to the House Administration Committee once the select
4 committee went out of business. The Archives has worked with the staff of the
5 House Administration Committee since the statute was signed on viewing those
6 records.

7 To make a fairly long story short, the House Administration
8 committee deputized NARA to review their records with them having the final say
9 on whether or not they approved of the review or not.

10 The records of the other two committees, the Pike committee and the
11 Church committee, are being handled by the staff of the two current intelligence
12 committees. The House Permanent Subcommittee on Intelligence is conducting the
13 review of the Pike committee documents and the Senate Select Committee on
14 Intelligence is handling the review of the Church committee records. The staffs of
15 those committees are the ones who have been the determinants of how those things
16 are being reviewed.

17 The Church committee records are being turned over through the
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1 auspices of the Office of the Senate Historian. Everything is being done with the
2 Senate Historian's office on that transfer. We do not have any records of the Pike
3 committee yet. The House Permanent Subcommittee on Intelligence is still
4 reviewing the records of the Pike committee. How that transfer will take place, I
5 do not know at this time.

6 MS. NELSON: The Clerk of the House controls the House records.

7 MR. TILLEY: Right. I would assume that they will work that
8 through the Office of the Clerk, but at this time I don't know for sure. I haven't
9 had anything firm on that yet.

10 Yes, I think we can assume that those reviews are taking place under
11 the rules of the two houses and not being done under a single set of rules.

12 MR. TUNHEIM: Mr. Tilley, under the line of questioning on those
13 rules, who are the individuals who are making the postponement decisions? Is it a
14 committee decision, or are there staff members who are designated to make the
15 initial postponement decision that agencies have the right to make?

16 MR. TILLEY: Mr. Chairman, in regards to the records of the House
17 Select Committee, representatives of the National Archives have had several

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1 meetings with the chairman of the House committee, Charlie Rose of North Carolina,
2 and the ranking minority member, Bill Thomas of California, on issues involving
3 their records.

4 While we have worked very closely and mostly with members of the
5 staff of the committee, we have had direct meetings with the chairman and the
6 ranking minority member on issues involving the HSCA materials. We have not had
7 any meetings with them for sometime, because the review of the HSCA materials
8 was finished in August of 1993, in time for the initial opening. So that process has
9 basically been on hold.

10 As we get back into the review of these documents which are being
11 transferred from CIA, we will then be reestablishing contact, I'm sure, with the
12 chairman and Mr. Thomas, the ranking minority member.

13 With regards to the records of the Church committee and the Pike
14 committee, so far all of our contacts have been with members of the staff. Each
15 committee has designated a senior member of the staff to be in charge of this
16 process. All of my meetings and discussions have been with that senior member of
17 the staff and with members of the staff working for that individual. We have had

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1 no contacts with any of the committee members. I would assume that the
2 members of the committee are aware of what is taking place, but we have had no
3 formal meetings with them.

4 MS. NELSON: So basically they are being looked at twice, by the CIA
5 and by the Senate Intelligence Committee, say the Church committee.

6 MR. TILLEY: The CIA has been to the offices of the Senate
7 Intelligence Committee to review their information among the Church committee
8 records. Not just CIA but the FBI and other agencies involved. Once that referral
9 process is completed, then the staff of the Senate Select Committee on Intelligence
10 completes the review for their portion of the information, and then that is what is
11 turned over to the National Archives.

12 I guess you could say, yes, there has been a double review, but once
13 again, always we must keep in mind that each agency is ultimately responsible for
14 its own information. If there is a problem with a Church committee record that
15 contains CIA information, my understanding is that this Board will then want to
16 discuss that with the CIA and not with the Church committee. If we are talking
17 about some of the testimony of the Church committee, then I think you will be

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1 negotiating with the Church committee on that issue. Once again, it's the origin of
2 the information that is the key point here.

3 Let me say this, Mr. Chairman, to follow up on that with regards to
4 the records of the HSCA staff which is being turned over to us, the 20,000 pages I
5 discussed earlier. That in effect will get a second look also. Once again, what
6 information belongs to the CIA will be ultimately their call, but the House does have
7 a role in this. The House may decide that the CIA is being too tight with the
8 information and so there could be further discussions. That is something that the
9 House Administration Committee will have to decide.

10 We act as the agent of the House but the House is ultimately the final
11 arbiter on those records.

12 MR. TUNHEIM: One other point that I wanted to raise. Up until
13 this point agencies have been interpreting what an assassination record is themselves
14 based on the definition that is in the law and their own views of what an
15 assassination record is. That's a subject that will face this Board relatively soon, our
16 own effort to define what an assassination record is.

17 Do you have an opinion as to how that process is going, agencies
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1 selecting records for purposes of identifying assassination records, and how well that
2 has gone?

3 MR. TILLEY: In some of the discussions I've had with agency
4 representatives we have touched on the question of what is an assassination record
5 and what is not. I know that several agencies, including the major agencies that
6 we have discussed, have records which they think are outside the scope of the
7 statute, and they are very anxious to discuss with the Board these particular
8 questions and get these definitions raised.

9 Considering the volume of material we have in this collection so far
10 which far exceeds what was thought would be the size of the collection when the
11 hearings were held initially before the Congress, I think the collection is already
12 bigger than some people thought it would be. However, I think it is also going to be
13 much bigger before it's over. I think there is more material that we are definitely
14 going to be adding to it.

15 It is very difficult for me to say, because I have not really been given a
16 list of files by agencies of what they are excluding. I know what we have excluded
17 because I played a very great role in deciding some of those things that we thought

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1 were not assassination records. We will be discussing those questions with this
2 Board at the appropriate times. But I simply can't give you a real hard and fast
3 judgment on how that process has gone because I'm not aware of what precise files
4 have been excluded by the agencies, but I do know that they have them and they are
5 anxious to discuss several issues with the Board.

6 MR. HALL: I have a question.

7 MR. TUNHEIM: Go ahead, Dr. Hall.

8 MR. HALL: You described for us, Steve, that the Naval Investigative
9 Service has provided some materials. Could you comment on the quality and level
10 of cooperation given by the Department of Defense intelligence-related agencies with
11 regard to pursuing materials related to the Kennedy assassination?

12 MR. TILLEY: We have very little material from any of the defense
13 agencies in total. We have less than a box of records from the National Security
14 Agency and less than a box from the Defense Intelligence Agency. That does not
15 mean that they were not cooperative. They were part of the review process from
16 the beginning. They sent representatives to the initial meetings we had in
17 December and January of 1992 and 1993 to get this process off the ground.

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1 *Either they don't have much or they have postponed a great deal of material. I do*
2 *not know how much is postponed.*

3 MR. HALL: *That strikes me as a critical question. It's one thing to*
4 *have little material to turn over and to say, well, we really have nothing that bears*
5 *on the case. I'm particularly interested in this area and the extent to which it may*
6 *provide some additional material that has not otherwise come to public attention.*
7 *The fact that we have seen so little material leads me to be even more interested.*

8 MR. TILLEY: *Dr. Hall, many people have raised the question of the*
9 *Department of Defense records, including particularly the Department of the Army.*
10 *It is an issue that has been raised repeatedly by several of the researchers that we*
11 *deal with.*

12 *The Department of the Army was notified in the initial notification*
13 *sent to all agencies asking for reports on what assassination records they had in*
14 *their custody. We were never provided with the name of a contact person from*
15 *the Department of the Army in response to that request.*

16 *In September of 1993 we did provide data disks to the Army*
17 *counterintelligence staff. They had located three feet of records dealing with some*

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1 of their people in Eastern Europe at the time. As I was informed, apparently what
2 happened is they went back and talked to some people after the assassination to see
3 if anybody they had in their files knew anything about Oswald when he had been
4 behind the Iron Curtain. We are waiting for that material yet.

5 We provided data disks to them and the data program to begin the
6 indexing and the data entry process for those records. To this point we haven't
7 received anything from them.

8 That is the only ongoing review of any Army records that I'm aware
9 of at this time.

10 MR. HALL: If you will take my double negative here, we have no
11 negative response from the Army saying what they don't have?

12 MR. TILLEY: No, sir, we did not receive any correspondence. We
13 have a list of agencies which provided us with negative responses either by telephone
14 or by letter, and the Department of the Army does not appear on that list. We
15 were informed by the Office of the Secretary of Defense that they had no records,
16 but of course the Office of the Secretary of Defense is a separate entity.

17 MR. HALL: Is there in your scheme of operation any plan to go back
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1 to those where you don't have a response and say we'd like to have a response?

2 MR. TILLEY: No. The Archives does not feel it has the authority to
3 push the agencies. We have to assume that the response of the agencies is in fact a
4 correct response. We really don't feel we have the authority to push them on that.

5 We simply thought that no notification meant they didn't have anything. There
6 was so much else to get ready for this process that we haven't pursued it.

7 MR. JOYCE: I would point out, Dr. Hall, that that doesn't preclude
8 this Board from undertaking contact.

9 MR. HALL: Indeed, Dr. Joyce, that notion had come to my mind.

10 I am wondering if I might also, Steve, just query you quickly on the
11 National Security Agency, whether there has been any response in that area.

12 MR. TILLEY: The National Security Agency?

13 MR. HALL: Yes.

14 MR. TILLEY: Yes. They turned over a small amount of material and
15 provided record identification forms for those records. I think they brought it in
16 with a data disk also. I believe that material was part of the database. Obviously
17 there is postponed material there also.

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1 MR. HALL: You say obviously there is postponed material there.

2 Why do you say obviously?

3 MR. TILLEY: There are references to it in many of the writings that
4 have been done over the years. There are record identification forms which make
5 reference to postponed documents. They are required to provide evidence of the
6 fact that they have made postponements. In fact, there are record identification
7 forms which indicate documents have been postponed. That is what I am basing
8 that on. The agencies were not allowed to hide the fact that they were postponing
9 documents. They had to still record the documents that were postponed and the
10 reasons for those postponements. The box that we have indicates postponed
11 material is there.

12 MR. HALL: Thank you, Dr. Tilley.

13 MR. TUNHEIM: Other questions for Steve?

14 [No response.]

15 MR. TUNHEIM: Let me ask one more question related to the work
16 that the Department of Treasury has done, the Secret Service. Can you give a brief
17 update on where that agency is at?

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1 MR. TILLEY: The Secret Service has informed us that the majority of
2 their records were turned over to the Archives in 1979. Their case file on the
3 assassination was turned over at the end of the work done by the House Select
4 Committee. So we have had that material since 1979, and the vast majority of
5 that material is open for research.

6 They are working on some other items, I understand, but I do not
7 have an idea exactly how much material they are still looking at. Apparently they
8 have located some other documents but I'm not sure what the volume of that is at
9 this time. That is an area we are pursuing with the Secret Service.

10 They did turn over to us the Schiff report for November 22, 1963,
11 with portions postponed under Exemption 5, which is the exemption which concerns
12 the protection of the President. That's basically the only additional document that
13 we have received from them other than what we already had that I'm aware of. I
14 understand there are some other materials that they are looking at. We have been
15 in contact with them and are pursuing this.

16 MR. TUNHEIM: Has the LBJ Library completed their review of the
17 telephone conversations that they are going to release pursuant to this process, or is

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1 there more going on?

2 MR. TILLEY: My understanding from the staff of the library is that
3 they have identified all of the tape recordings that are relevant to the assassination.
4 They are reviewing other tape recordings as part of their general review process
5 down there and plan to make additional records available in the future, but it is my
6 understanding from my discussions with the staff that they have identified all the
7 conversations that are assassination records.

8 MR. TUNHEIM: Have there been any recent discussions with the JFK
9 Library?

10 MR. TILLEY: We have been in touch with them on a couple of
11 different issues. First of all, they recently accessioned some records of Nicholas
12 Katzenbach. When I realized that, I called up and made sure that they were
13 reviewing those files for assassination records.

14 I should point out that they cover the years 1961 and 1962 and
15 1965 and 1966. I asked them what happened to 1963 and 1964. They said
16 they didn't know but they were going to look into that. So I asked them to
17 continue to look into that fact but they should also initiate a review of those files for

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1 any assassination-related materials. They also accessioned a few extra feet of
2 Robert Kennedy materials and they are also going to be reviewing that material for
3 any assassination-related materials.

4 MR. TUNHEIM: So that material has not yet been turned over?

5 MR. TILLEY: No. That is not part of the material that was turned
6 over and opened on April 1, which was his desk diaries, his telephone messages and
7 his telephone logs. It's my understanding this is an additional accession.

8 MR. TUNHEIM: And your understanding is they are undergoing that
9 review right now?

10 MR. TILLEY: Yes. I asked them to begin that and they said they
11 would do so.

12 In April I mentioned some of the donors who had been contacted
13 about making available some of their material that was not covered by a deed of gift
14 and are covered by a deposit agreement. So far we still have had no real follow-up
15 on any of that. I have not had any further word on any of the donors having
16 made any decisions on whether or not they are going to allow their materials to be
17 opened up and added to the collection.

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1 MR. JOYCE: There are donors whose records the JFK Library have
2 that have neither a deed of gift or a deposit agreement?

3 MR. TILLEY: There are many of those that are not covered by a
4 deed of gift and they are under what we call a deposit agreement. That is not a
5 legal deed of gift. It's basically courtesy storage.

6 MR. GRAFF: Mr. Tilley, when you say "we've been in touch," are you
7 personally writing these letters, or does the acting archivist write these letters?

8 MR. TILLEY: To whom?

9 MR. GRAFF: To the donors.

10 MR. TILLEY: The letters go from the director of the Kennedy Library
11 to the donors.

12 MR. GRAFF: And you prod the director of the library to respond to
13 the call for the corralling of all these documents; is that right?

14 MR. TILLEY: When I began working here in the summer of 1993,
15 one of the first things I did was go to the three libraries which had most of the
16 material related to the assassination, the Kennedy Library, the Ford Library and the
17 Johnson Library. At those libraries we discussed what they had in their custody

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1 and what they had tentatively identified as assassination related and what they had
2 tentatively decided was not.

3 As I mentioned earlier, we went through those lists and made
4 decisions on what would be included in the collection and what would not be. Part
5 of that process was identifying collections that were part of their holdings that may
6 contain assassination records but which they needed to discuss with the donors as to
7 whether or not the donors were going to allow the materials to be released to the
8 collection.

9 Part of those discussions were we decided that it would be prudent
10 and what needed to be done was in fact that the library needed to write to the
11 donors or the heirs of the donors to bring forth the issue of the statute and make
12 aware what the statute said and see what their reactions would be to making their
13 material available. So I believe those letters went from the directors of the libraries
14 and did not come from the acting archivist, but it was after discussions with me
15 over what needed to be done.

16 MR. GRAFF: Thank you.

17 MR. TUNHEIM: Any further questions for Mr. Tilley today?

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1 [No response.]

2 MR. TUNHEIM: Thank you very much, Steve, for a very thorough
3 report, as we have come to expect from you. Thank you again for all of your
4 assistance. I might congratulate you also on engineering what appears to be a very
5 successful move of the collection from this facility to the new archival facility in
6 College Park.

7 MR. TILLEY: Thank you.

8 OTHER BUSINESS

9 MR. TUNHEIM: We earlier had a provision on our agenda to talk
10 with people from the GSA about any administrative matters that need to be raised
11 today. Calvin Snowden, who has been a tremendous help to the Board in the last
12 several months, is here.

13 Calvin, I reported earlier that we were hopeful of moving into our
14 office space within the next month or two. Is there anything further you would like
15 to report to us on that today?

16 MR. SNOWDEN: No. We are on schedule. The space should be
17 ready by August 15.

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1 MR. TUNHEIM: Great. Thank you very much. I appreciate all of
2 your help and assistance, especially in getting the memorandum of understanding
3 signed.

4 Any other matters you wish to raise with the Board today at this
5 meeting?

6 MR. SNOWDEN: No, there are no other matters that need to be
7 raised with the Board today.

8 MR. TUNHEIM: Thank you very much.

9 A couple of other things I wanted to point out. The cooperation the
10 Board has received thus far from the Federal Bureau of Investigation. We really
11 appreciate that. Terry O'Connor and his group have been very helpful in getting us
12 acclimated to what the FBI is doing, an enormous project at the Bureau of reviewing
13 all the records that they have, and we appreciate all of the help that we have
14 gotten, Terry.

15 Is there any other business that the Board has to raise today?

16 [No response.]

17 PUBLIC COMMENT

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1 MR. TUNHEIM: We put a period of time on our agenda for any
2 public comment. We would like to begin doing this at our public meetings, certainly
3 in the spirit of the public hearings that we hope to have relatively soon. Is there
4 anyone who wishes to raise any topic or ask any questions?

5 Dr. Newman.

6 MR. NEWMAN: Yes. Thank you very much, Mr. Chairman.

7 MR. TUNHEIM: For the benefit of the court reporter, why don't you
8 give your name and address.

9 MR. NEWMAN: Dr. John Newman, 1019 Summer Hill Drive,
10 Odenton, Maryland 21113.

11 I have a question. First of all, the NSA collection, which I personally
12 reviewed, is some 90 documents. One is a genuine document. The other
13 90-some-odd are half overhead: "we'll meet you here"; "send us this there." The
14 other half are UPI or AP tickers. In other words, just one document.

15 The DIA collection, which I have also reviewed, is nothing but
16 overhead, letters back and forth concerning other documents. So from a research
17 standpoint, zero.

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1 With respect to the Department of Defense, in the new releases I have
2 identified at least 30 documents pertaining to the United States Army that the FBI
3 or mostly the CIA has released. Obviously it considers them assassination-related
4 records or they wouldn't be releasing them. That contained names of Army
5 intelligence agents and agent networks and Army operations against Cuba in
6 conjunction with the CIA.

7 I have only informally been able to provide same to the Army. I
8 would be perfectly happy to share them with this Board. It establishes a very wide
9 frame and scope of Army activities that at least other agencies consider
10 assassination-related documents. I think that the Army should be reviewing those.

11 My question is a very general one for a sanity check now.

12 MR. HALL: Did you say sanity check?

13 [Laughter.]

14 MR. NEWMAN: Is it the interpretation of this Board that no agency
15 under this law has the power to withhold from you a document that they know and
16 that you have defined properly as an assassination-related record and that only this
17 Board has the power in the last analysis to withhold that from the public and not

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1 the agency?

2 MR. TUNHEIM: Dr. Newman, that is the position that this Board in
3 our discussions thus far has taken. We have not had an opportunity to really
4 communicate that broadly with agencies yet because we haven't been in a position to
5 do that. We will once our staff is on board this fall. That is our understanding of
6 the intent of Congress in passing the JFK Records Collection Act which created this
7 Board.

8 Mr. Lesar.

9 MR. LESAR: Jim Lesar, president of the Assassination Archives and
10 Research Center, 918 F Street, N.W., Room 509, Washington, DC 20004.

11 Chairman Tunheim, I have written a couple of letters presenting some
12 very specific problems regarding the definition of assassination records. I wonder
13 whether there is any hope of getting a resolution of those issues before the fall or
14 whether or not you plan procedurally to wait until the fall to deal with those issues.

15 MR. TUNHEIM: Mr. Lesar, I appreciated receiving those letters. We
16 are involved in discussions on those issues. We are very well aware of the potential
17 problems. From our standpoint, being a part-time board, we really need to have a

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1 staff together to begin to research those issues thoroughly, to have the requisite
2 discussions with the Congress about correcting any problems that are there. Some
3 of these issues have been raised with members of Congress and staffs. So they are
4 aware of the issues.

5 It's our view that until we have a staff in place where we can request
6 a legal opinion from a general counsel, for example, and other necessary staff work,
7 that we are not really in a very good position to push resolution of those issues, but
8 that time will come very soon. We are trying to push it as fast as we can.

9 Mr. Zaid.

10 MR. ZAID: Mark Zaid, 1200 New Hampshire Avenue, N.W., Suite
11 230, Washington 20036.

12 I want to follow up first on what Jim just touched on and then ask
13 for a little elaboration on a couple of things. These should be directed toward Steve
14 Tilley to begin with.

15 I think you had mentioned that you had already gone through NARA's
16 records and had begun to make some determinations as to what might have
17 constituted an assassination record initially. I am wondering if you could elaborate

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1 with general descriptions what those records have been.

2 MR. TILLEY: Some of this was done before I came back to take this
3 position. Members of the access staff here at the National Archives began the
4 process. We went back through some of the records we already had in our legal
5 custody to look for documents that we had not located before or that we knew
6 about but which were related to the assassination so that they could be incorporated
7 in the collection.

8 Searches were made of the records of the National Archives itself,
9 particularly correspondence with the Office of the Archivist, and then of course the
10 unit that was responsible for the work of the Warren Commission all those years, a
11 branch called the Judicial, Fiscal and Social Branch in its last orientation, if you will.

12 Those kind of national archives that were related to the assassination were looked
13 for and then brought into the collection as related to the assassination.

14 We also looked through records of other agencies that we had, such as
15 the Office of Management and Budget. We found a small series of records of the
16 OMB that were related basically to the budgetary administration of the Warren
17 Commission. Just as this Board is dealing with the Office of Management and

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1 Budget, the Bureau of the Budget at that time also worked with the Warren
2 Commission. So we brought those records into the collection.

3 We had some State Department records in our custody that we went
4 through.

5 Obviously as people went through those files, they made decisions on
6 what group of records were related to the assassination and which ones were not. I
7 don't think those decisions were particularly difficult, but obviously there was a
8 decision-making process there.

9 The second part of that was the part that I alluded to earlier, my
10 trips to the presidential libraries. The libraries had put together tentative lists of
11 holdings that they had that seemed to be related to the assassination. When I
12 visited those libraries I sat down with the staff there and we looked at those lists
13 and we went through and basically said this is related, this is not. So we made
14 some decisions on what we would include in the collection.

15 At the same time, for the ones that were in fact determined not to be
16 assassination records, I said keep the list and we'll show this to the Review Board,
17 and then if the Review Board wishes to say, no, you're wrong, this needs to go into

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1 the collection, then in fact that will take place.

2 So there was a two stage process. The library staffs put together a
3 tentative list of their holdings that seemed to be assassination-related, and then
4 when I visited those libraries we went over the list and made some decisions on what
5 we would include and what we would not include.

6 I don't think there were any major decisions there. It was a question
7 of degree. As an example, there was a series of records at the Kennedy Library
8 that an individual had donated which discussed architecture and art that had been
9 created in the wake of the assassination, things that were done to commemorate
10 JFK after the assassination. Frankly, I said I don't think this is an assassination
11 record; this doesn't go to the heart of what this Board is established to find out. I
12 didn't think that was a very important series to include in this collection.

13 That is an example of something that we did not include, but the
14 Board will have a chance to review that decision and to say whether or not they
15 wish to include it in the collection. Anything that the Board chooses to include will
16 be entered into the database and will be included in the collection.

17 That's roughly what we did.

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1 MR. ZAID: I would like to hear some further elaboration on what I
2 think were comments that Dr. Hall made in Newsday in May or June. One that
3 actually was already referenced were the Post Office files. The question is the
4 autopsy photographs that you mentioned in the article, referring to -- was it Dr.
5 Joyce that said that? I'm sorry. In the article it appeared as if you were saying
6 these were new photographs. Was that a reference to the Fox set of autopsy
7 photographs?

8 MR. JOYCE: It was not a reference to new photographs.

9 MR. ZAID: It was an additional set that had not been known about?

10 MR. JOYCE: That's right.

11 MR. ZAID: Is that a reference to the photographs of Secret Service
12 Agent Fox?

13 MR. JOYCE: It was the information on a second set of existing
14 photographs.

15 MR. ZAID: The Post Office records. The article indicated they were
16 records that had been rediscovered by the Post Office, not having known where they
17 had been filed, but had been made available to the Warren Commission. Were they

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1 available to the researchers, or were they just made available to the Commission and
2 then filed away and forgotten?

3 MR. TILLEY: I think I can address that. The way those records
4 came to our attention was this. Out at the Records Center in Suitland, Maryland,
5 we maintain a large unscheduled accession of Post Office Department Records.
6 Without getting into the arcane world of archiving too much, agencies retire records
7 to the Records Center under what we call a schedule which sets forth the
8 information on how records should be retired to the Records Center and at what
9 time they should be either destroyed or turned over to the National Archives for
10 permanent retention.

11 However, at the Records Center there are many thousands of feet of
12 records for which there is no schedule, and the Archives has had a longstanding
13 project going to attempt to look at those unscheduled materials out at the Records
14 Center and in fact write a schedule for them so in fact we can then do something
15 about this large body of records, because under the law nothing can be destroyed
16 without the approval of the Archivist. That means you can't destroy unscheduled
17 records because the Archivist has to approve a schedule for them. We have been

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1 working at trying to get all these records scheduled.

2 One of the people that works for our Office of Records Appraisal had
3 been assigned the job of doing the Post Office Department records. In looking at
4 this large unscheduled accession, she came across a series of records which clearly
5 identified their cooperation with the FBI in investigating the assassination of
6 President Kennedy. So this lady who works for the National Archives who found
7 this sent me a message saying, I found these records, I think you want to know
8 about them. So in fact that is how they came to our attention.

9 I do not think the Post Office Department frankly knew they were
10 there. The U.S. Postal Service now. The records were sent out in the mid-1960s,
11 have been there for 25 or 30 years, and frankly just fell through the cracks. In an
12 unscheduled accession often an agency will have no record of what is in the accession
13 themselves. I don't think I'm telling any tales out of school by saying that there are
14 so many records in the possession of agencies. Frankly, they don't always know
15 what is out there. That's why we go through these records.

16 MS. NELSON: Let me address your question about whether or not
17 this was in the Warren Commission testimony. This is one of the things you just

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1 almost have to have a staff for. That is to say, putting together what is public and
2 what agencies asked to be postponed and determining what was available and when
3 and to whom and all that kind of thing takes a staff. You know how long some of
4 you have spent on this. It takes a group of people who become very, very familiar
5 with every aspect of what is open before answers like that can be found. I suppose
6 it would be easy enough to see if the Warren Commission stuff is all available. Most
7 of us have read parts of it.

8 I think that really is the answer to your question. That is the kind of
9 thing our staff will have to do and organize itself to do rather quickly.

10 MR. TILLEY: There is no doubt that the Post Office Department
11 records were made available to the Warren Commission. Whether or not they had
12 access to this entire file now is something, as Anna says, we simply can't decide until
13 we get that file and then compare it to what we already have.

14 MR. ZAID: For the record, I don't see anything suspicious with the
15 Post Office records being found after all these years. I'm surprised they weren't in
16 Chicago.

17 [Laughter.]

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1 MR. HALL: Mr. Zaid, that was my comment. I think it was very
2 poignant that these materials would reveal themselves in this particular way.

3 MS. NELSON: Actually, those of us who have done research at the
4 National Archives over the years are not at all surprised.

5 MR. TILLEY: I think it's very instructive how there could be
6 additional assassination records coming to light in a similar manner, because as has
7 been alluded to, this is not a surprising development at all.

8 MR. TUNHEIM: Any further comment today?

9 [No response.]

10 MR. TUNHEIM: Is there any further business to come before the
11 Board today?

12 [No response.]

13 MR. TUNHEIM: There is one more administrative point. I am going
14 to leave a sheet of paper here. Any of you who wish to get updates from the
15 Board, advance notice of meetings that we can provide specially to you, we will be
16 glad to do that if we can just get your name and address. We tried to do that for
17 this meeting for those of you that we knew would be interested, but we want to

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1 start compiling a list so that we can be helpful to anyone who wants to follow our
2 progress throughout the next two years.

3 ADJOURNMENT

4 MR. TUNHEIM: Is there a motion to adjourn?

5 [Motion made and seconded.]

6 MR. TUNHEIM: All those in favor say aye.

7 [Chorus of ayes.]

8 MR. TUNHEIM: Opposed.

9 [No response.]

10 MR. TUNHEIM: The meeting is adjourned. Thank you all very
11 much.

12 [Whereupon at 11:28 a.m. the meeting was adjourned.]

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