

Assassination Records Review Board FY 1996 Report

Introduction

The Assassination Records Review Board is an independent federal agency 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 Review Board were appointed by President Clinton, confirmed by the U. S. Senate, and sworn in on April 11, 1994. The Act gives the Review Board the mandate and the authority to identify, secure, and make available all records related to President Kennedy's assassination.

Section ___ of the Act requires that the Review Board submit a report each year that accounts for the progress of the Review Board, the status of agency compliance, and the outlook for the future. The Report should include, if the Review Board considers it necessary, recommendations for additional time and authority from Congress.¹

The report that follows addresses each of the statutory requirements and calls for an extension of the Review Board's mandate beyond its scheduled expiration on October 1, 1997. The Review Board believes that a one-year extension is necessary to complete the objectives of the Act.

Background 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 reopen the investigation by establishing the House Select Committee on Assassinations (HSCA) in 1976.

In addition to these two major Federal investigations into the assassination of President Kennedy, four

¹ Cite the part of the Senate Report that states this. Laura has the cite.

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 skepticism, 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 *existing mechanisms for the public release of records related to the assassination and the conduct of US government agencies*. 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. 12356 (Executive Order No. 12356 has been superseded by Executive Order 12958, which similarly protects sources and methods) on “Classified National Security Information” specifically excludes from the automatic declassification provision matters such as the identification of intelligence sources and methods, as well as informants, which form the core of the Kennedy assassination records that 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. Once the Review Board completes its review of an agency's recommendation for postponement, all records, including those that have a postponed release date, are transferred to the 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 Review Board specific powers, including the powers 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 provide additional information, records, or testimony from individuals which the Review 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
- Conduct hearings, administer oaths, and subpoena witnesses and documents.

Early Delays in the Work of The Review Board

When Congress drafted the Act, it estimated that the Review Board would complete its mandate in three years. There were, however, a number of delays, in the early phase of the Board's operation that have affected the ability of the Board to meet the deadline set by Congress.

Although the Act was signed into law in October 1992, the Board was not sworn in until April 1994. While Congress passed the JFK Extension Act in 1994 to reset the clock and to give the Board a full three-year mandate, it did not address the impact of the agencies operating without the guidance of the Review Board. During the 16-month period before the appointment of the Review Board, government agencies proceeded with independent reviews of their files in the absence of Review Board guidance. Unfortunately, these agencies had to redo a significant amount of work once the necessary Review Board guidance was available.

In addition, the Act contains certain provisions that considerably slowed the early phase of the board's operation and delayed the point when the Board could operate effectively in its review of records. As an independent agency, the Board had to locate and construct office space that was suitable for the storage of classified material. The Board had to hire a staff and get it cleared at the Top Secret level. Significantly, there is a provision in the Act that prohibits the Review Board from hiring (or detailing) individuals employed by other federal agencies. As a result of these built-in delays, the Review Board did not even have the three years that Congress initially envisioned as necessary to complete the job.

Compounding the problems that inhibited the start-up of Review Board activities were the lengthy delays by some of the more than 25 Federal agencies that currently possess assassination-related files. These delays compromised the Board's ability to proceed with the efficient identification and review of assassination-related records. It is only now that many of these agencies are finally devoting the necessary resources to comply with the Act.

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; Distinguished Adjunct Historian in Residence at The American University.

ARRB Staff

The Executive Director of the ARRB staff is Dr. David G. Marwell. At the end of FY 1996, the ARRB staff was composed of 25 employees who were involved in management, administrative, analytic, and investigative duties. ARRB staff analysts continued to review records and make recommendations to the Review Board. Organized in three teams, analysts have continued to develop the necessary working relationships with the agencies for which they are responsible. Team members have all developed subject matter expertise, which is essential in the review of records and in supporting the Review Board members in their determinations. In addition, analysts have continued the important assignment of determining whether additional records should be requested from agencies. ARRB staff investigators, who have been primarily responsible for locating non-Federal records, have 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. Furthermore, investigators played a critical role in locating former government employees who were subsequently interviewed regarding the possible existence and location of additional assassination records.

Computer System Advances (*Keep? - Expand?*)

The computer system, developed by the ARRB staff, has been successful in tracking the thousands of documents reviewed by the Review Board. System advances added over the past year facilitate the process of reporting the postponements in each document to the National Archives. Several new databases have been created to allow the Review Board and ARRB staff to identify sections of agency collections that should receive the most scrutiny. Furthermore, Internet E-mail accounts now in use allow researchers and the public to make inquiries to the Review Board and ARRB staff and to receive information.

Activities of the Review Board

I. The Review of Assassination Records

Review Board Meetings and Public Hearings

The US 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.”

Although the nature of the Review Board’s work -- dealing with classified information -- requires closed meetings, the Review Board continued to conduct open meetings and hearings whenever possible to fully inform the public of its actions and the release of documents. During FY 1996, the Review Board conducted eleven meetings in Washington, D.C. and public hearings were held in Washington, D.C. and Los Angeles, CA, respectively. The details and results of those meetings and hearings are listed below.

During FY 1996, despite lengthy delays by some Federal agencies, the Review Board acted to transfer **8,972 documents** 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. This total includes 3,624 FBI documents, 2,852 CIA documents and 2,496 documents from the House Select Committee on Assassinations. Significantly, all of the remaining documents contained in the CIA’s Lee Harvey Oswald “201” file were released in part or in full in 1996 under the Review Board’s direction. These include 781 documents released with the consent of the Agency. **In addition, the Review Board acted upon all of the documents collected and reviewed by the Warren Commission.**

In FY 1996, the Review Board and ARRB staff focused on increasing the rate of records reviewed, as well as identifying and locating additional records. The result was a consistent and dramatic increase in the number of records voted on by the Review Board, and the identification and acquisition of new records. The Review Board’s accelerated hearing and review process has significantly expanded the historical record of the Kennedy assassination. At the end of 1996, the collection totaled 1,290 cubic feet, equivalent to 3.3 million pages of documents. Tens of thousands of other assassination records, however, await review and the identification process for new records continues.

Pace of Document Review

June, 1995 through September, 1996

Board Meetings

December 13, 1995

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

The Review Board voted to release 57 CIA documents, 23 in full and 34 in part. These documents related 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 related in part to the Fair Play for Cuba Committee's reaction to the assassination of President Kennedy.

In addition, the Review Board voted to release 23 HSCA documents in full.

These documents related 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 Review Board voted to release an additional 68 CIA, FBI, HSCA, and Warren Commission documents.

The Review Board voted to release 34 CIA documents, seven in full and 27 in part. These documents related 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 Review Board also voted to release six FBI documents in full. These records related 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 Review Board voted to release 23 HSCA and five Warren Commission documents in full. These documents were previously available, but contained redactions based on privacy grounds.

Notification of the Review Board's action on these documents was sent to the President of the United States and the agencies on January 25, 1996.

January 31, 1996

The Review Board voted to release 207 additional CIA, FBI, HSCA and Warren Commission documents.

The Review Board voted to release 72 CIA documents, 17 in full and 55 in part. These documents related 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 Review Board also voted to release 108 FBI documents (including duplicates), 42 in full and 66 in part. These documents related in part to the FBI's post-assassination investigation of Jack Ruby. Other documents related 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 included interviews with Secret Service Special Agents in Chicago and Miami regarding the assassination. Other HSCA documents related 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 four Warren Commission documents. These documents are the last documents generated by the Commission 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.

In other Review Board related activities, both the Department of State and the Department of Defense agreed to release documents from the HSCA Security Classified files series. DOD released three documents and DOS released 30 documents, some of which pertain in part to the HSCA's 1978 trip to Cuba to interview Castro.

The Review Board voted to release 21 of these CIA documents at the January 5, 1996 meeting, but reconsidered them at its March 19, 1996 meeting after receiving additional evidence from the CIA.

February 29- March 1, 1996

The Review Board met in closed session for two days of meetings. These meetings included ARRB 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. No formal votes were taken during this meeting.

March 19, 1996

The Review Board voted on March 19, 1996 to release 271 CIA, FBI and HSCA documents.

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

Other Review Board action included votes to release 130 FBI documents, 27 in full and 103 in part. These documents related in part to the Bureau's investigation of the incident involving Sylvia Odio in the fall of 1963, before the assassination. Other documents detailed the FBI's post-assassination investigation of Jack Ruby.

The Review Board voted to release six HSCA documents, five in full and one in part. Included in this group were four documents that related 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 were reconsidered by the Review Board, (referred to above), along with two other CIA documents. The Review Board reconsidered a CIA document originally voted on at the November 14, 1995 meeting. The issue was protection of information about an individual. The other CIA document reconsidered by the Review Board was from the December 13, 1995 meeting. As with other CIA documents originally considered at Review Board meetings of January 5 and January 31, the issue is disclosure of the originator of a cable. The Review

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.

In other Review Board activities, 886 additional documents were opened in full by the CIA and the FBI, as well as records from the files of the HSCA. The release of these records was based on the standards established by the Review Board during its earlier review of other records. They did not require a Review Board vote because the agencies released them in their entirety. The CIA released 405 documents, the FBI released 410 documents, and 71 HSCA records were made 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 HSCA records.

The Review Board voted to release 158 FBI documents (including duplicates) in full. These documents related 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 consisted of various records from Oswald's "201" file.

In addition, the Review Board voted to release two 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.

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

In other Review Board activities, after consultation with the appropriate Federal agencies and in compliance with the Act, 119 additional FBI and HSCA records were released in full. The FBI released 89 documents, and 30 HSCA documents were made available by consent release.

May 13-14, 1996

The Review Board voted on May 13 and 14, 1996 to release an additional 528 FBI, CIA, and HSCA documents.

CIA Records

The Review Board voted to release 132 CIA records, one in full and 131 in part. These documents were from Lee Harvey Oswald's "201" file.

CIA "Scelso" Documents

A category of records that has received great attention involves a former CIA employee who testified before the HSCA in executive session under the pseudonym "John Scelso." The Review Board has postponed the name of this former CIA employee who was involved in the assassination investigation.

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.

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 Review Board received extensive information about the true identity of Mr. Scelso. Because of issues related to his identity, the Review Board decided that Mr. Scelso should be protected for five years, after which his true name will be revealed.

The Review Board 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 has been made available. Moreover, additional information gathered by the Review Board regarding Mr. Scelso also will be made available within the next year.

FBI Records

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

HSCA Documents

The Review Board voted to release 11 HSCA documents, one in full and 10 in part. These documents related to a variety of different topics. The postponed information consisted 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.

Secret Service Records

As part of the mandate of the Review Board to identify assassination records, the Review Board designated additional Secret Service records as "assassination records." These records included 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 was designated as an "assassination record." The Review Board will 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 Act, 463 additional FBI, CIA, HSCA, and Warren Commission records were released in full. The FBI

released 289 documents, and the CIA released 146 documents. In addition, 26 HSCA documents and two Warren Commission documents were made available by consent release.

June 4, 1996

The Review Board voted on June 4, 1996 to release 439 CIA, FBI, and HSCA documents, including duplicates.

CIA Records

The Review Board voted to release 228 CIA records, four in full and 224 in part. Included in these documents was 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 related to Oswald's stay in the Soviet Union, and former New Orleans District Attorney Jim Garrison's investigation into the assassination. The redacted information included, for the most part, names of CIA employees and sensitive operational details.

FBI Records

The Review Board also voted to release 205 FBI records, 37 in full and 168 in part. These documents consisted in large part of post-assassination FBI headquarters and field office files on Oswald. The redacted information contained informant names and symbol numbers.

HSCA Documents

The Review Board voted to release six HSCA documents, three in full and three in part. Included in this group of documents: 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 included a fact sheet on the 112th Intelligence Corps and a fact sheet on the destruction of Oswald's IRR dossier.

Secret Service Records

As part of the mandate of the Review Board to identify assassination records, the Review 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 Review Board will review these documents for inclusion in the JFK Assassination Records Collection.

In other Review Board activities, after consultation with the FBI and in compliance with the Act, 82 FBI documents were made available by consent release.

July 9-10, 1996

The Review Board voted on July 9 and 10, 1996 to release 416 CIA, FBI, and HSCA documents, including duplicates.

CIA Records

The Review Board voted to release 257 CIA records, ten in full and 247 in part. This was the first meeting in which the Review 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 covered 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 Review Board determined that the release of some information relating to intelligence sources and methods should be delayed.

FBI Records

The Review Board also voted to release 150 FBI records, 64 in full and 86 in part. These records included documents that relate to the investigations of Lee Harvey Oswald and Jack Ruby. Other documents in this group related to the international reaction to the assassination of President Kennedy, including that of the Communist Party. The Review Board delayed public release of some information relating to informant names and symbol numbers.

HSCA/Warren Commission Documents

The Review Board voted to release seven HSCA documents, five in full and two in part. Included in this group of documents was Marina Oswald's Social Security Administration file, which was opened 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 Review Board.

Other Board-Related Activities

After consultation with the appropriate agencies and in compliance with the Act, 402 FBI, CIA, and HSCA documents were made available in full by consent release. The FBI released 153 documents, and the CIA released 131

documents. In addition, 118 HSCA documents were made available by consent release.

August 5-6, 1996

The Review Board voted on August 5 and 6, 1996 to release 316 CIA, FBI, and HSCA documents, including duplicates.

CIA Records

The Review Board voted to release 204 CIA documents, eight in full and 196 in part. In addition to these documents, the Review Board acted on two HSCA documents with CIA equities. These documents included portions of the Lopez Report, which pertained to Oswald's trip to Mexico City, and the 193-page 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 included intelligence sources and methods, true names, and file number prefixes.

FBI Records

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

The FBI has appealed to the President the Review 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

Review Board had responded to this appeal.

HSCA Documents

In addition to the two HSCA documents mentioned above, the Review Board voted to release six HSCA documents in full, including a previously withheld document relating to Joseph Milteer. Also made 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.

Secret Service Records

As part of the mandate of the Review Board to identify assassination records, the Review 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--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 Act, 221 additional documents (24 CIA, 180 FBI, and 17 HSCA) were made available in full by consent release.

September 27, 1996

The Review Board voted on September 27, 1996 to release 1,393 CIA, FBI, HSCA, and Secret Service documents, including duplicates.

CIA Records

The Review Board voted to release 222 CIA records, two in full and 221 in part. These documents included communications between the Mexico City station and CIA headquarters during the months immediately before and after the assassination, Mexico City surveillance reports, correspondence between the CIA and HSCA regarding access to information, and documents related to assassination attempts on Fidel Castro, including portions of the 1967 Inspector General's report.

FBI Records

The Review Board also voted to release 214 FBI records, 115 in full and 88 in part. These FBI assassination investigation documents consisted, in part, of records related to Clay Shaw, Michael and Ruth Paine, and Orest Peña. Other documents related to the Communist Party reaction to the assassination. An additional 174 FBI documents were made available by consent release.

HSCA and NARA Documents

The Review Board voted to release 47 HSCA documents, 13 in full and 34 in part, and one Warren Commission document. Included in this group of documents were previously withheld records such as a Congressional Research Service memo to the HSCA summarizing the Clark Commission re: autopsy, and HSCA records concerning Dealey Plaza/TSBD witness James Jarman. Also, included in the group of documents were handwriting analyses of Marina Oswald and George DeMohrenschildt. An additional 728 HSCA documents were made available by consent release.

Secret Service Records

The Review Board voted to release two documents in part. Five additional Secret Service documents were available by consent release.

Public Hearings

**August 6, 1996
Review Board Offices
Washington, DC**

The Review Board conducted this public hearing to give the public an opportunity to comment on possible strategies for the review of 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 "Sequestered Collection." These records are those that were segregated from the agency's filing system at the conclusion 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 Review Board and ARRB 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 (Review Board, ARRB staff, and agency) resources. Separating the “wheat from the chaff,” and devoting the Review Board’s time to a detailed review of postponements in the “wheat,” was essential to completing the most important parts of the Review Board’s mission on time.

The Review 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, National Archives and Records Administration

Other members of the public who testified were:

John Newman

James Lesar

Harrison Livingstone

The hearing was helpful to the Review 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 public comment period following the hearing.

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

The Review Board conducted its fourth field hearing in Los Angeles, fulfilling a commitment made by the Review 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 Review Board at work and gave the Review Board members an opportunity to hear expert testimony from individuals who reside in this part of the country.

The public hearing was productive for the Review Board. 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 Chief 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 1970s. 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 entire hearing was also televised on PBS in the greater Los Angeles area.

II. Special Projects

Medical Evidence Inquiry

The Review Board has several ongoing investigations relating to different categories of assassination records involving medical evidence. As part of the review of the medical evidence, ARRB staff deposed the three principal pathologists involved in President Kennedy's autopsy: Drs. James

Humes, "J" Thorton Boswell, and Pierre Finck, as well as the autopsy photographer, John Stringer.

In addition, ARRB staff conducted interviews with several individuals who had knowledge of the autopsy and the related photographic record. These included Dr. Robert Karme, a staff resident at Bethesda Naval Hospital who assisted in security arrangements and witnessed parts of the autopsy procedure; Joe Hagan, Tom Robinson and John VanHoesen, morticians with Gawler's Funeral Home who prepared President Kennedy's body for burial; Vince Madonia and Sandra Spencer, members of the Naval Photographic Center who processed some autopsy-related film; and Carl Belcher, former head of the Justice Department's Criminal Division, who took part in the inventory of autopsy-related photographic material.

The Review Board considers its activities in this area part of its mandate is to make the JFK Collection at the National Archives as complete as possible. Important medical issues and questions surrounding records related to the autopsy need to be addressed and made available to the public.

Photographic records

In 1996, the Review Board initiated a public appeal for any photographs and motion pictures that would enhance the historical record of the assassination of President Kennedy. This appeal called on individuals who had taken or were in possession of photographs or motion pictures of Dealey Plaza on November 22, 1963, to present them to the Review Board for inclusion in the JFK Collections at the NARA. As a result of this initiative, both the Veazey and the Powers films were donated showing events that occurred before and after the assassination.

Veazey Film

The so-called Veazey film consists of KTVT television news film out-takes that had been discarded following the assassination of President Kennedy. Literally rescued from the trash by photographer Roy Cooper Jr., the 45-minute black-and-white 16mm film contains unique scenes before and after the assassination. The film, along with one copy, was held by Cooper and his friend, Eli Sturges, and later their heirs. Janet Veazey, Sturges' stepdaughter, read a Dallas newspaper account of the Review Board's search for photographic materials from the assassination and notified the Review Board of the film's existence in May 1996. The film was retrieved and transported to the NARA, where it was viewed and duplicated on video tape. The discovery of the films was confirmation of the Review Board's claim that photographs and films, which have never been publicly seen or reviewed, do exist.

Powers Film

On November 21, 1996, the Review Board released a three-minute, 16 mm amateur film taken by presidential aide Dave Powers on November 21-22, 1963, who had accompanied President Kennedy to Texas. The film, never seen publicly, contains a series of short sequences (some lasting only a few seconds), but does not show the assassination itself. Powers, who was riding in the Secret Service car directly behind the presidential limousine during the Dallas motorcade, ran out of film minutes before the motorcade entered Dealey Plaza. Because of Powers' position within the Kennedy White House, much of the film was taken from a perspective not permitted to news photographers.

BriLab

In the late 1970s, the FBI conducted a "Bribery-Labor" (or "BriLab") investigation of several persons, including Carlos Marcello of New Orleans. In the course of its investigation, the FBI conducted electronic surveillance and preserved the evidence gathered in the form of tape recordings and transcripts. Some of the tapes were admitted in evidence used in the trial of Carlos Marcello, but many other records of the electronic surveillance remain under a court seal. There have been many allegations that the transcripts and tapes include information relevant to the assassination of President Kennedy, but it has not been possible to confirm or reject such allegations because of the court seal. The Review Board has been pursuing information related to these records, and has received the helpful cooperation of the FBI (both at Headquarters and in the New Orleans Field Office), the Department of Justice (including the office of the U.S. Attorney for the Eastern District of Louisiana), and the Federal District Court of the Eastern District of Louisiana. This work is ongoing.

Foreign Government Records (David needs to do)

Russia and Belarus (David needs to do)

During 1996, Review Board staff visited Russia and Belarus to request assassination-related documents maintained by the former Soviet Union. **ADD ADD**

III. Review Board Outreach

Mailing lists

The Review Board has maintained contact on a bimonthly basis for the past two years with members

of the public who have requested to be placed on our mailing list. The Review Board has a regular mailing list as well as an electronic list, and the total number of people on the lists has grown to more than 500. This number is growing every week.

Members of the public on our mailing list receive press releases, updates on the Review Board's activities, meeting results, information about documents transferred to the President John F. Kennedy Assassination Records Collection, and Federal Register notices.

COPA Conference 1996

David Marwell, ARRB Executive Director, updated the research community on the activities of the Review Board during the 1996 conference of the Coalition of Political Assassinations (COPA). Marwell informed the researchers of the Review Board's actions in FY 1996, and provided a preview of the Review Board's agenda for 1997. The presentation concluded with a question and answer period. On October 21, 1996, the Review Board held an Open House for the public and the research community. Open House attendees were given access to newly released documents, the Review Board video library, and a tour of Review Board offices.

Professional Associations

On January 6, 1996, the Review Board made a presentation at the annual meeting of the American Historical Association (AHA) in Atlanta, Georgia. The Review Board provided background information and updates regarding its mandate. Approximately 100 AHA members attended, and the Review Board provided time for a question and answer period.

On March 28, 1996, the Review Board made a presentation at the Organization of American Historians (OAH) Conference. One-hundred OAH members attended the session and heard the Review Board provide a brief introduction, and then continued with a lengthy question and answer period regarding specific Board actions.

On August 29, 1996, the Review Board and ARRB Executive Director David Marwell attended the annual meeting of the Society of American Archivists in San Diego. The Review Board gave a presentation about its activities and, Marwell made a presentation about the Review Board on a panel about access issues and U.S. Government information.

Journals and Newsletters

Several times a year, Review Board Chairman Tunheim submits Review Board updates to journals

and newsletters that serve the research community. In 1996, Chairman Tunheim provided articles about the Review Board to the *AARC Quarterly*, *Open Secrets*, and *Probe*, all of which serve researchers and are circulated worldwide. In addition, ARRB Executive Director David G. Marwell, General Counsel and Associate Director for Research and Analysis, T. Jeremy Gunn, and Associate Director for Communications, Thomas E. Samoluk, participated in an extensive, in-depth interview about the Review Board with the editor of *Probe*.

Dallas Trip

In April 1996, Review Board Chairman John Tunheim, ARRB Executive Director David Marwell and Associated Director for Communications Tom Samoluk visited Dallas to tour assassination-related sites and determine fertile areas for additional documents. The tours included the Sixth Floor Museum at the former Dallas School Book Depository, a review of the Dallas Municipal Archives, and discussions with local newspapers to appeal for assassination-related documents, photographs or motion picture film taken by amateur photographers.

IV. State, Local, and Private Records

The Review Board's investigative staff is involved in numerous research activities involving state, local and private records. These activities include contacting state and local officials regarding assassination records, and locating and interviewing key witnesses about records that may be in private hands. The Financial Crimes Enforcement Network (FINCEN) has proven to be a valuable tool for the ARRB investigative effort. Established in 1990 by the Treasury Department as a multi-agency, multi-source financial intelligence and analytical network, FINCEN has proven extremely useful in locating individuals using a variety of commercial and government databases. In FY 1996, ARRB investigators conducted more than 500 searches on individuals, organizations, and events related to the assassination. In addition, ARRB staff also took advantage of the the resources of the National Personnel Records Center (NPRC) in St. Louis, which maintains almost all personnel records for military and civilian government employees. These records have proven to be not only important sources for assassination related records, but also useful tools in the search for relevant witnesses.

New Orleans Records TJG NEEDS TO UPDATE

The Review Board announced in 1996 that it had subpoenaed records from

the Kennedy assassination investigation conducted by former New Orleans District Attorney Jim Garrison. The records are held by current New Orleans District Attorney Harry Connick, who initially refused to comply with the subpoena.

A Federal judge in New Orleans declined to grant the 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 Review 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 US 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 subsequently filed papers in the US District Court in New Orleans seeking enforcement of Judge Livaudais' order.

On April 9, 1996, the Review Board announced 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.

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 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 were 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.

Metropolitan Crime Commission of New Orleans

Review Board Staff traveled to New Orleans to review the records of the Metropolitan Crime Commission of New Orleans (MCC). For years, the MCC has maintained files on crime and public corruption in New Orleans. Review Board Staff established a strong working relationship with the MCC and arranged to obtain many MCC records for the JFK Collection. Among the MCC records the Review Board reviewed and marked for inclusion in the JFK Collection are records on District Attorney Garrison's investigation and prosecution of Clay Shaw and records regarding New Orleans organized crime figures. The HSCA Staff reviewed many of these files in their 1977-1979 investigation of the assassination of President Kennedy.

Agency Compliance

I. Federal Agencies

The Review Board and ARRB staff have been in regular communication with the relevant agencies that may possess assassination records. The results of the Review Board's efforts to date to ensure that these agencies are in compliance with the Act are mixed. On several occasions during the past year, the Review Board has been asked by an agency to reconsider a formal determination. The Review 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 Review 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 Service, BATF, and Secret Service) -- "Main Treasury" had identified no assassination records under the Act prior to being contacted by the Review Board. ARRB staff members requested access to specified Treasury records and, last fiscal year, identified assassination records among Treasury files held at the Federal Records Center at Suitland, Maryland. The Review Board has directed Treasury to transfer these records to the National Archives for inclusion in the JFK Collection, as well as to locate additional records that may contain assassination-related materials. The identification of assassination related documents in Treasury files is an example of the Review Board's ongoing effort to identify documents and indicative of the need for a congressional extension of the Review Board's mandate.

Internal Revenue Service -- Section 11(a) of the Act states that the transmission and disclosure provisions of the 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. However, Marina Oswald Porter, widow of accused assassin Lee Harvey Oswald, has refused repeated requests from the Review Board for permission to access her and her late husband's tax records.

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

Under generally applicable retention policies, most Customs Service records are authorized for destruction after 20 years. However, the ARRB staff identified more than 100 boxes of Customs Service records from the 1950s through the 1970s at the Washington National Records Center at Suitland, Maryland. This year, Customs officials and ARRB staff members reviewed more than 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 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 (BATF) -- To date, BATF has sent no records to the 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 Act pursuant to records disposition schedules generally applicable to BATF investigative files.

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 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 HSCA collection at Legislative Archives. Of those 500 records, the Secret Service forwarded approximately 450 records without postponements to the JFK Collection and submitted more than 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 continues to be engaged in discussions regarding specific requirements under the 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 more than 1,500 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 memoranda) from the 1963-1964 period. Most of these 1,500 pages will be available at the JFK Collection by October 1996.

ARRB staff interviewed Robert I. Bouck, who worked with the Protective Research Service in 1963, and Floyd M. Boring, part of the White House Detail in 1963.

The Department of Justice (excluding INS, FBI, and DEA) -- The Review Board has established points of contact within the Office of Information and Privacy (for records of the DOJ leadership), the Criminal Division, the Civil Rights Division, and the Civil Division. Each of these offices has transferred records to the National Archives for inclusion in the JFK Assassination Records Collection. In addition, the Office of Legal Counsel is processing for inclusion into the JFK Collection relevant documents from that office, including documents relating to legal issues that arose regarding the Warren Commission. DOJ has also allowed the ARRB staff to review microfilmed copies of DOJ records located at the John F. Kennedy Presidential Library in order to determine to what extent these records may fall within the purview of the 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 -- The INS has transferred to the NARA 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. Prior to November 1, 1996, the INS had not transferred any of its own assassination records to the Review Board or to the 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 INS files for several individuals, 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 Federal Bureau of Investigation -- The Review Board has worked with FBI documents continuously throughout FY 1996. To date, the Review Board has voted on postponements claimed in more than 1,300 FBI records. The FBI also has agreed to release in full an additional 1,600 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 Act, there are still more than 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 ARRB 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 ARRB staff has also continued its efforts to locate assassination records not previously identified as such by the FBI. The FBI has assisted in this effort by giving Review Board members access to requested files. The FBI has, on the whole, been extremely cooperative and helpful to the Review Board.

FBI Appeals -- The FBI appealed to the President the Review Board's decisions to release redacted information in 139 records, dealing almost exclusively with "foreign counterintelligence" postponements. On December 13, 1996, after reconsidering its position in light of argument

advanced by the Review Board, the FBI withdrew appeals on 21 documents pertaining to the investigation of Lee Harvey Oswald and the assassination of President Kennedy. In its letter withdrawing its appeal, the FBI said it would review its position with respect to all other pending appeals and would soon advise the Review Board of the results.

Ten other FBI documents (including duplicates) which the Review Board had also originally voted to release in full in July 1995, and on which the FBI appealed to the President, were eventually released by the Review Board in October 1995. After receiving additional information from the FBI, the Review Board voted to open the documents, except for the numerical portion of informant symbol numbers.

Previously Appealed Records -- The Review Board released December 28, 1995, five FBI documents relating to the FBI's investigation of Lee Harvey Oswald while he was in the Soviet Union in 1960 and 1961. The FBI had previously sought to keep these documents closed principally because they contained some information provided by the Swiss Federal police. The Review Board originally voted to open these documents in full on July 17, 1995. The FBI appealed the Review Board's decision to the President. The Review Board approached the Swiss government, through diplomatic channels, to seek a waiver of any remaining Swiss interest in the records. The Swiss Government said it had no objection to the release of the documents, if the names of Swiss citizens were redacted. On December 13, 1995, the Review Board again voted to release the documents, except for the name of a Swiss citizen, which appeared twice in the documents. The FBI did not oppose the release of the documents after approval had come from Swiss officials. These pre-assassination FBI documents on Lee Harvey Oswald are an important part of the historical record which were worthy of the Review Board's aggressive pursuit. The documents reveal the steps that the United States government took to determine what Lee Harvey Oswald

was doing after he left the United States in 1959 and whether or not someone was posing as Oswald.

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 ARRB staff is reviewing retrieved records so that the Review Board may determine how the 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 postdate the HSCA also have been identified. Under its generally applicable records disposal policies, the DEA destroys investigative files after twenty-five years. As a result, ARRB staff has not identified any records potentially related to the assassination dating before the 1970s.

United States Postal Service -- The Postal Service has identified in response to the 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.

Department of Defense -- In 1996, Department of Defense (DOD) services (Army, Air Force, and Navy/Marines) each directed subordinate headquarters to search their records for assassination-relevant materials. Meanwhile, most independent DOD agencies or activities also acted to comply with the requirements of the Act. The results 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 stored 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 the 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 the 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 position where they are no longer in the possession of the agency, but not yet controlled by the NARA. The ARRB staff has asked various DOD entities to double-check their archives for assassination records. The ARRB staff has also been separately reviewing various records stored at Suitland to identify

those that may include assassination-related materials; where significant holdings are found, the Review Board will 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 staff 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.

Office of the Secretary of Defense:

- ARRB staff received two packages of assassination-related documents from the Office of the Secretary of Defense (OSD). The unclassified package contains actions related to various FOIA requests previously processed by OSD; the classified package contains six documents (total approximately 130 pages) related to US policy toward Cuba in 1962-63. Of the classified documents, three have been cleared for full release. The three remaining documents have been cleared by State, CIA, Army and OSD, but have redactions from Joint Staff. ARRB staff will meet with the Joint Staff records manager to request reconsideration of Joint Staff redactions to facilitate voluntary declassification and consent release of all documents.

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 Review Board action.

Army:

- Located, reviewed and cleared for release without postponement Corps of Engineers documents related to the JFK grave site.
- Assisted ARRB staff 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 time frame) have been photocopied for declassification, referral and possible Review 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 the 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 the NARA and held in the NARA's classified collection.

-- Army declassification will begin soon on six cartons of Top Secret and Secret documents found at the NARA (College Park) dealing with policies and activities toward Cuba in the 1962-4 time frame.

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:

-- The Review Board 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 staff is now working with his replacement (Lieutenant Colonel Mike Finnie) to assure that the Navy and Marines locate any existing assassination-related records, particularly records relating to Lee Harvey Oswald, who had served in the Marines.

-- USMC historian provided the Review Board with Lee Harvey Oswald's original personnel and medical records for transfer to the 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 -- ARRB staff and National Security Agency (NSA) officials met throughout FY 1996 to identify and prepare documents for the Review Board. Because of the secrecy and sensitivity of NSA activities, record identification had to be carried out by selected members of the ARRB staff with appropriate security clearances and often involved review of files at NSA headquarters in Fort Meade, Maryland. NSA officials also provided a candid, comprehensive briefing for the Review Board and ARRB staff on NSA procedures, capabilities, and record holdings. Throughout this process, NSA officials showed sensitivity and responsiveness to the Review Board's goals. As a result, in December 1996, the Review Board released approximately 80 NSA documents

(primarily communications intercepts) with minimal redactions.

Central Intelligence Agency -- Throughout the past year, the Review Board 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 the NARA large numbers of previously-redacted documents from its Oswald file and JFK records. Particularly worthy of note was the CIA's commitment of time and manpower to reviewing records (under Review Board 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, the CIA's Historical Review Group has managed to keep pace with the Review Board's requests for records and information, but during the coming and final year the Review Board expects requirements to increase and significantly exceed the CIA's ability to comply unless the Historical Review Group receives much-needed additional staff support. The Review Board hopes this problem can be solved as quickly as possible.

In December, 1996, the CIA transferred many of the records from the HSCA Sequestered Collection to secured NARA spaces at the Review Board office. The close proximity to the Review Board will increase the efficiency of record review.

Department of State -- On July 26, 1996, the Department of State initiated a weekly review process for outstanding responses to Review Board requests to prevent further delay of cable responses regarding identification and acquisition of assassination records held by foreign governments. The origination of this review process was prompted by delays of as long as four months in responding to Review Board cable messages despite repeated follow-up inquiries with the Department of State. These delays, in some cases, may have significantly compromised the Review Board's ability to obtain assassination records held by foreign governments.

With the exception of the handling of cables, the Review Board has 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 the Review Board's joint-agency review of Cuba-related records at the JFK Library, clearing for release most of those records containing DOS equities.

Presidential Library -- TJG WILL DO.

National Archives and Records Administration -- TJG WILL DO.

House Select Committee on Assassinations -- The collection of documents created by the HSCA was turned over to the Review Board and the National Archives. Reviews by third party agencies continued in 1996 with the Review Board voting to release 154 HSCA documents and nearly 2,000 released with agency consent. Many of these records are being made available to the public for the first time.

Senate Select Committee on Intelligence -- The staff of the House Select Committee on Intelligence submitted to NARA 40 boxes of documents compiled by the Church Committee. The staff contended that the submission of the documents completed their compliance requirements to the Review Board. An ARRB staff review of those documents disclosed, however, that documents referenced in the Church Committee report were not included in the submitted material. The committee staff, citing the complexities in dealing with other unrelated congressional issues, has not complied with a Review Board request to submit the missing documents for review.

II. Compliance Assurance Program

Beginning in November 1996, the Review Board initiated requests to approximately 25 US government agencies and departments asking that they fully cooperate with the Review Board in discharging its responsibility of assuring Congress and the American people that the goals of the Act have been accomplished to the greatest possible extent. These requests were initiated to confirm that the US government has identified, located and released all records relating to the assassination of President Kennedy.

The Review Board requested the relevant Federal agencies and departments to provide a complete and specific accounting of their efforts to locate and release assassination-related records, including a full explanation for the destruction of any records. The purpose of this accounting is to confirm that the United States government is not withholding material information regarding the assassination of President Kennedy or regarding Lee Harvey Oswald.

In response, each agency and department designated a Compliance Official, who ultimately will be responsible for ensuring that each entity has complied with its obligations under the Act, including identification, location and organization of assassination records and the transmission of those records to the National Archives. The Review Board also received agreements from each agency and department to adhere to the compliance procedures outlined by the Review Board.

In addition, the Review Board has requested from each agency an Initial Statement of Compliance which explains the steps taken by the agency to locate and process assassination records. Shortly

after the submission of these Statements of Compliance, the Agency Compliance Official (as well as any individuals who helped prepare the statements) will be made available to the Review Board for an interview regarding the scope of the agency's search and the location of agency assassination records. The interview will be used as an opportunity to resolve any outstanding questions regarding the search, including any subsequent tasks to be completed by the agencies. The Review Board anticipates that these interviews will be conducted in January and February 1997.

The agencies and departments were notified by the Review Board that they would be expected to complete the process of identification, location and declassification of its assassination records by July 1, 1997. At that time, the agencies will submit to the Review Board a Final Declaration of Compliance certifying, under oath, their compliance with the provisions of the Act. This final declaration will set forth all of the information set forth in the initial Statement of Compliance and will also supplement the initial Statement of Compliance by detailing any further steps that were conducted by the agencies in identifying and locating assassination records. The agencies' Final Declarations of Compliance will be included in the Review Board's final report to Congress.

The Review Board anticipates that it may conduct depositions, under oath, of Agency Compliance Officials along with any other agency officials with responsibility for complying with the Act on or about August 1, 1997. The decision to take a compliance deposition from an agency will be made on a case-by-case basis, taking into account the importance of the agency to the work of the Act and the sufficiency of the agency's efforts to account fully for its compliance with the Act. Should the Review Board decide to require a compliance deposition of an agency, the responsible agency designee(s) will be expected to testify under oath on any and all issues relating to the agency's record search; including the scope of the search, the identity of files searched, the destruction of any relevant records, and any other matters set forth in the Final Declaration of Compliance.

The Future

I. Remaining Records to be Reviewed

As the agency-by-agency review indicates, the Review Board has made significant progress in the review of identified assassination records. We believe that we should be able to complete the review of nearly all records by the end of this fiscal year with the important exception of the records that were requested of the FBI and the CIA in the course of the HSCA investigation.

CIA Sequestered Collection

As noted above, the Review Board has completed its review of the so-called Oswald 201 File, the file created and maintained by the CIA on Oswald and the assassination. The Review Board is now faced

with the task of reviewing the large collection of files that was assembled by the CIA in response to requests made by the HSCA. These files find their relevance to the assassination defined in part by the course of the HSCA investigation. The collection consists of 17 boxes of miscellaneous "working files," 63 boxes of CIA and HSCA-originated records, as well as 72 reels of microfilm. Unfortunately, these records are in a confused order, poorly described, and riddled with duplicates. There is a frustrating mix of significant records and those of only marginal interest.

FBI-HSCA Collection

The "Core and Related Files" consist of nearly 600,000 pages of files collected in the course of the massive FBI investigation into the assassination. The Review Board should complete its review of this significant collection by the end of FY 1997. The large collection of records that were identified as being of interest to the HSCA remain to be reviewed by the Board. Like the sequestered collection of the CIA, these records (approximately 280,000 pages) range widely in their relevance to the assassination.

An Approach to the Review of the Sequestered Collections

In its review of the FBI and CIA core files, the Board subjected every requested redaction to a rigorous test: Did the evidence of the harm that would result from the release of the information outweigh the high public interest in the information? In contemplating its review of the sequestered collections of the FBI and CIA, the Board realized that it needed to develop a different approach to these records that would take into account the varied degree of relevance of individual records to the assassination. Only in this way could the Board ensure that it would appropriately devote its resources. As a first step, the Board carefully analyzed each collection in order to determine what priority should be assigned to the various category of records. In addition, the Board developed a set of guidelines for the review of these records that recognized that some categories of records did not require the intensive word-for-word review that had been the rule for the core collections. The development of these guidelines began with the August 6, 1996 public hearing and culminated with their adoption at the October 16, 1996 Board meeting. The ARRB staff will distinguish between records whose relevance to the assassination is clear and those not believed to be relevant (or "NBR"). Applying these new standards will permit the ARRB staff to identify and review the most significant remaining records in order of priority.

These detailed guidelines will significantly reduce the loss of valuable Review Board and ARRB staff time expended to review, on a word-by-word basis, those documents that have a remote relationship if any to the Kennedy assassination. Those documents that are identified as relevant to the assassination will be reviewed word-by-word. These standards of relevance are designed to ensure that the greatest number of true assassination records is properly identified, reviewed and made public in the JFK Collection at the NARA.

Foreign Records

The search for records maintained by foreign governments has been compromised by frustrating delays on the part of the State Department in relaying cables to and from our posts abroad. Nevertheless, the Review Board feels that it will be successful in obtaining significant new releases of assassination records if it is given sufficient time.

Identification of New Records

One of the most important and most difficult responsibilities of the Review Board is to identify additional records that are relevant to the assassination. This is a task that must logically come late in the process after the Review Board has gained a full understanding of the records that have already been identified. Although the Review Board has made a significant number of requests for additional records and information, much remains to be done before it can be confident that it has completed this responsibility. As we move forward with our compliance assurance program, we will identify new records that deserve the attention of the Board.

II. Recommendations for Legislative Action

Until now, the Review Board has been faithful to the time constraints set by the Act. Unfortunately, the same cannot be said for other components of the review process. Executive branch agencies and congressional committees, almost without exception, have failed to review all of their records and make them available for the Review Board's review within the predetermined time limits. Indeed, many have yet to complete even their initial review. The Senate Intelligence Committee, for example, has yet to process the complete holdings of its Church Committee files, and the FBI itself has claimed that it will be unable to complete its task before the end of the century despite a significant investment of resources. In the rare cases of appeals to the White House, the President far exceeded the statutory thirty-day appeal period, thereby leaving the Review Board and the FBI in doubt about important questions of precedent.

This inability to meet the prescribed deadlines says more about the ambitious time limits determined by the Act than it does about the resolve and commitment of the parties involved. The Review Board has proceeded in a practical and realistic fashion, and, with continued cooperation from most agencies and new efforts from others, will be able to complete much of its task by the end of FY 1997. It will need, however, additional time to complete its responsibilities.

The Review Board has come to understand that it has been assigned a task that is unprecedented in

its scope and difficulty, and the three-year time limit was simply unrealistic. The legislation failed to account fully for the complexity of the undertaking or the immense quantity of assassination-related documents. For all of these reasons, the Review Board believes that a one-year extension of its mandate is necessary. The Review Board makes this request with the confidence that it will be supported by the American public and the federal agencies that maintain assassination records.

In considering what would be, in the judgment of the Review Board, a premature end to the Review Board's mandate, it is important to recall the doubt and speculation that led to the creation of the Review Board in the first place. A too-early termination would generate renewed and intensified doubts about the commitment of our government to release all of the records related to the assassination of President Kennedy. Such an outcome would not only compromise the good work already accomplished by the Review Board, but would also postpone a solution to a problem that will continue to vex our nation for years to come.

List of Appendices

1. Financial Report

The expenses for all official activities and requirements of the Review Board and its personnel follows.

2. Final Determination Forms

Final Determination Forms for every document containing postponements sustained by the Review Board through the October 1996 meeting.

3. List of Formal Determinations

Actions taken by the Review Board for all documents reviewed through the October 1996 meeting.

4. List of Regulatory Actions

List of notices and proposed final rules.

Appendix 1

Financial Report

Appendix 2

(Please see Congressional File 10.4 or the Reading Room Notebook if you wish to see Appendix 2)

Appendix 3

List of Formal Determinations

Appendix 4

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).

Introduction..... 1

 Background for the Act..... 1

 Key Provisions of the Act 2

 Authority of the Assassination Records Review Board..... 3

 Early Delays in the Work of The Review Board..... 4

 The Review Board Members..... 4

 ARRB Staff 5

 Computer System Advances (*Keep? - Expand?*)..... 5

Activities of the Review Board..... 6

 I. The Review of Assassination Records..... 6

 Review Board Meetings and Public Hearings..... 6

 Board Meetings..... 7

 December 13, 1995 7

 January 5, 1996 7

 January 31, 1996 8

 February 29- March 1, 1996..... 9

 March 19, 1996 9

 April 16 and 17, 1996..... 10

 May 13-14, 1996 11

 June 4, 1996 12

 July 9-10, 1996..... 13

 September 27, 1996..... 15

 Public Hearings..... 16

 Washington, DC..... 16

 Los Angeles, California..... 17

 II. Special Projects 18

 Medical Evidence Inquiry 18

 Photographic records 19

 Veazey Film 19

 Powers Film 19

 BriLab..... 20

 Foreign Government Records (David needs to do) 20

 Russia and Belarus (David needs to do)..... 20

 III. Review Board Outreach 20

 Mailing lists 20

 COPA Conference 1996 20

Professional Associations 21

Journals and Newsletters 21

Dallas Trip 21

IV. State, Local, and Private Records 22

 New Orleans Records TJG NEEDS TO UPDATE..... 22

 Metropolitan Crime Commission of New Orleans..... 23

Agency Compliance..... 24

 I. Federal Agencies 24

 The Department of the Treasury 24

 Internal Revenue Service 24

 Customs Service -- 25

 The Bureau of Alcohol, Tobacco and Firearms 25

 U. S. Secret Service 25

 The Department of Justice 26

 Immigration and Naturalization Service -- 26

 The Federal Bureau of Investigation..... 27

 Central Intelligence Agency 31

 Department of State 32

 Presidential Library -- TJG WILL DO..... 32

 National Archives and Records Administration..... 32

 House Select Committee on Assassinations 32

 Senate Select Committee on Intelligence 32

 II. Compliance Assurance Program..... 32

The Future..... 34

 I. Remaining Records to be Reviewed 34

 CIA Sequestered Collection..... 34

 FBI-HSCA Collection..... 34

 An Approach to the Review of the Sequestered Collections 34

 Foreign Records..... 35

 Identification of New Records 35

 II. Recommendations for Legislative Action..... 36

List of Appendices 37

Appendix 1 38

Appendix 2	39
Appendix 3	40
Appendix 4	41

