

DECLARATION OF DAVID G. MARWELL

1. My name is Dr. David G. Marwell. I am making this declaration based upon my personal knowledge and observations.
2. I have been the Executive Director of the JFK Assassination Records Review Board (“Review Board”) since 1994. The Review Board is an independent agency of the U.S. Federal government, created by the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V) (“JFK Act”). The Review Board’s responsibilities include, *inter alia*, identifying and locating records related to the assassination of President John F. Kennedy. As a part of my work, I am frequently called upon to decide whether records in the possession of individuals or governmental agencies “relate” to the assassination of President Kennedy. For example, I have personally examined, in New Orleans, the District Attorney files of Jim Garrison who conducted an investigation into the assassination of President Kennedy. I also have reviewed the personal files of the late Jim Garrison, which were donated by Mr. Garrison’s family to the U.S. government.
3. On or about March 1, 1995, I personally visited the President John F. Kennedy Library in Boston, Massachusetts. During the course of that visit, I was told by staff members of the Kennedy Library that Mr. Walter Sheridan had deposited some of his papers with the Kennedy Library. I was also informed that, after the enactment of the JFK Act, Mr. Walter Sheridan had requested that the Kennedy Library return to him 13 folders of records related to the assassination of President Kennedy and to his (Mr. Sheridan’s) investigation of New Orleans District Attorney Jim Garrison (hereafter “13 Folders”). The Kennedy Library advised me that the 13 Folders had been returned to Mr. Sheridan.
4. After I had been informed of Mr. Sheridan’s death, a member of my staff and I made several requests to Mrs. Nancy Sheridan (widow of Mr. Sheridan) and her attorney to provide us with an opportunity to review records that she might have related to the assassination of President Kennedy, including the 13 Folders. Having received no response to our repeated requests, on February 26, 1997, I signed and sent a letter to Mrs. Nancy Sheridan that enclosed a *subpoena duces tecum* for the production of records related to the assassination of President Kennedy (attached hereto as Exhibit A). A member of my staff informed me that he personally served my letter and subpoena to Mrs. Sheridan.
5. In response to the subpoena, our office received from Mrs. Sheridan’s attorney, Mr. Herbert J. Miller, several documents including:
 - a letter from Mr. Miller to T. Jeremy Gunn dated March 31, 1997 (attached hereto as Exhibit B);

-- a copy of a letter dated September 17, 1993, from Ms. Megan Floyd Desnoyers of the Kennedy Library to Mr. Walter Sheridan (and attachments to the letter) (attached hereto as Exhibit C); and

-- a handwritten document entitled "Papers of Walter Sheridan - MS-77-3 Preliminary Folder Title List" (attached hereto as Exhibit D).

6. According to the March 31, 1997 letter from Mr. Miller, Mrs. Sheridan declined to produce "certain files" of Mr. Sheridan, which were described in the letter as being related to Mr. Sheridan's work for NBC on Jim Garrison, although "*these materials would otherwise be called for by categories 3 and 5 of the subpoena . . .*" (emphasis added). Paragraph 5 of the subpoena requested records that "pertain to former New Orleans District Attorney Jim Garrison's *investigation into the assassination of President John F. Kennedy.*" (Exhibit A at 1) (emphasis added).
7. The September 17, 1993 letter from Ms. Desnoyers informed Mr. Sheridan that the Kennedy Library had reviewed Mr. Sheridan's papers and that "*there are 13 folders in your papers that we feel definitely relate to the assassination of John F. Kennedy.*" (Exhibit B at 1). These papers were identified as being physically located in "Box 27" at the Kennedy Library and were apparently connected to the National Broadcasting Company's "White Paper" investigation of former New Orleans District Attorney James Garrison's investigation of the murder of President John F. Kennedy. The Kennedy Library described the 13 Folders as follows:
 - Bill Gurvich
 - Garrison's Ramparts Article (Magazine Article)
 - [Correspondence, Court Transcripts, and Wire Service Reports, 1967-1973, United States District Court of New Orleans report on James Garrison's charges against Walter Sheridan]
 - [Newsclips]
 - Affidavit for Complaint & Search Warrants, Floyd D. Moore, 6/30/71
 - [Affidavits, Walter Sheridan, 9/67]
 - [Affidavits, Walter Sheridan, 3/70, U.S. District Court, New Orleans Div., Eugene Davis vs. National Broadcast Co.]
 - Garrison
 - *Playboy* Interview
 - Garrison Case, Sheridan

- General
- Garrison
- Richard Popkin Article, N.Y. Literary World

8. On October 25, 1993, the Kennedy Library apparently returned the above-referenced files to Mr. Sheridan at his request. In a cover memorandum, Ms. Lisa Middents states: “Enclosed you will find 13 file folders from your papers stored at the Kennedy Library. ***They concern the NBC White Paper on Jim Garrison’s investigation of JFK’s assassination.***” (Exhibit D.)
9. Although I have not see the 13 Folders at issue, it would appear to me, based upon the statements of those who have reviewed the records and based upon the names identified in paragraph 7 above, the 13 Folders presumably contain documents that are “assassination records” within the meaning of the JFK Act.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.

David G. Marwell