

[DRAFT BOILERPLATE LETTER TO AGENCIES ABOUT
THE STATUS OF THEIR REVIEW OF ASSASSINATION RECORDS
TEXT WOULD VARY DEPENDING ON PARTICULAR AGENCY]
[DEPARTMENT OF THE TREASURY]

May 17, 1995

Stephan N. Bryant(this is the guy who answered the Joyce ltr, recommend we send this **Assistant Director** over his head, even to Rubin, if necessary)
Office of Information
Resources Management
Department of the Treasury
Washington, D.C. 20220

Re: Status of **Treasury Department** Identification and Review
of JFK Assassination Records under 44 U.S.C. Sect. 2107

Dear **Secretary Rubin**:

I am writing to obtain information on the Department of Treasury's compliance with the The President John F. Kennedy Assassination Records Collection Act ("the JFK Act").¹

[JFK ACT I am writing to check on the status of the Department of the Treasury's identification and review of records relating to the assassination of President John F. Kennedy. This is a follow-up to correspondence exchanged last year between your office and Dr. William L. Joyce of our Board. Copies of that correspondence are enclosed.

¹44 U.S.C. Sect. 2107. The JFK Act was amended by the President John F. Kennedy Assassination Records Collection Extension Act of 1994. For ease of reference, copies of both statutes are enclosed. If you have any questions regarding the JFK Act, please do not hesitate to contact me.

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As you are [probably] aware, in 1992 Congress enacted in order to assist Federal agencies and ensure that all governmental records related to President Kennedy's assassination are collected and sent to the National Archives and Records Administration. The JFK Act also established the Assassination Records Review Board to assist and ensure that all government entities comply with the law. The five members of the Review Board were appointed by President Clinton, confirmed by the United States Senate, and sworn in on April 11, 1994. Since then, the Review Board has assembled its professional and administrative staff and obtained the appropriate security clearances for personnel who review sensitive information. On May 3, 1995, the Assassination Records Review Board adopted a definition of "Assassination Record" as provided under Section 7(n) of the JFK Act.²

[Now that the Review Board has promulgated its definition, I am writing to inquire into the status of the Treasury Department's past and anticipated efforts to locate and review JFK assassination records.]

As the enclosures to this letter demonstrate, the definition of "assassination record" is quite broad. The Review Board is concerned that some agencies are not aware of the scope of this definition, and as a result, may not have conducted as thorough a search for records as is necessary to fully comply with the JFK Act.

[Your July 14, 1994 letter stated that the bureaus within the Treasury Department were surveyed and that the IRS is the only bureau that has assassination records in its possession. Specifically, the IRS's search produced only the tax records from the estate of one deceased individual.]

While records that fall within the scope of the JFK Act would obviously include those with any reference to Lee Harvey Oswald, Jack Ruby, Marina Oswald, Marguerite Oswald, etc., a thorough search must go far beyond this. For example, your search should include Treasury Department internal reviews, investigations or memoranda concerning any aspect of the assassination, including but not limited to the performance of the Secret Service; the office files of Treasury Secretary Douglas Dillon and John Connally; Treasury Department communications with other Federal, state or local agencies regarding the assassination or with any investigative body, including the Warren Commission, the House Select Committee on Assassinations, the Senate Select Committee on

² I am enclosing a draft copy of the definition to assist you in the identification and review of assassination records. The official version of the definition will appear shortly in the *Federal Register*. We anticipate making only such technical changes as may be required to conform to *Federal Register* specifications.

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Intelligence Activities (Church Committee) or the Rockefeller Commission.

The examples above should not be interpreted as a complete list. In fact, they represent an extremely small percentage of materials that fall within the definition of "assassination record." I have enclosed a copy of the National Archives JFK Assassination Collection Subject Guide, which provides further guidance on this matter. Additionally, a thorough search for records should not be limited to Headquarters files, but should include records of any field offices as well as those records still within the legal custody of the Treasury Department but outside the agency's physical possession (e.g., at Federal Records Centers).

Accordingly, I would very much appreciate your prompt response to the inquiries set out below. I am enclosing two forms for you to complete and return to me at your earliest convenience. I would appreciate your completing and faxing the "JFK Assassination Records Contact Person" form to me by May __, 1995 and the "Status of Agency Review of JFK Assassination Records" form no later than May __, 1995.

Form 1: JFK Assassination Records Contact Person

Please provide the names, title, relevant responsibilities, and telephone and fax numbers of all persons at **the Treasury Department** with whom you would like us to be in contact with regarding your Agency's compliance with the JFK Act. We are particularly interested in your identifying the person responsible for your electronic identification aids.³

Form 2: Status of Review of JFK Assassination Records

Please fill out the enclosed form with reference to the following requests.

1. *Status of search for records.* Has your Agency completed its search for JFK assassination records? If so, approximately when was the search completed? If not, when do you currently anticipate completing your search for records? If your search is not complete, are

³The identification aids are called "Record Identification Forms" or "RIFs" by the National Archives.

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- there any particular obstacles to completing the process that you can identify? Has your search extended to records still within the ownership or legal control of your Agency, but outside of your Agency's physical possession (*e.g.*, at Federal Records Centers)?
2. *Total volume of records.* What is your best *estimate* of the total number of records your Agency has identified as responsive to the JFK Act? Please provide your best estimate on the actual number of documents, as well as any other helpful descriptive terms that are appropriate (*e.g.*, numbers of archival or banker's boxes, cubic feet).
 3. *Anticipated additional searches for records.* Now that you have the Review Board's definition of "Assassination Record," what, if any, additional files or locations do you intend to search for possible additional records? When do you anticipate completing such a search?
 4. *Status of record review.* Have you completed your review process, including the preparation of identification aids as provided by Section 5(d) of the JFK Act? If your review process is not complete, when do you currently anticipate that you will complete the process? What percentage of the review process is complete?
 5. *Summary results of records review.* Of those records you have reviewed, approximately what percentage have you "opened in full," postponed (*i.e.*, redacted in whole or in part), or are awaiting return from Third Agencies?
 6. *Transfer of records and electronic information to the National Archives.* Has your agency transferred all of its reviewed records and electronic information (*i.e.*, information identifying records as required under Section 5(d) of the JFK Act) to the National Archives? When do you anticipate completing the transfer of the records and electronic information?
 7. *Electronic information.* Are you confronting any difficulties in completing your inputting the electronic identification aids onto the diskettes provided by the National Archives? If so, please describe the difficulties.
 8. *Records sent by you to Third Agencies.* What is your best estimate of the number of records that you have referred to Third Agencies for their review? Of that number, how many have been returned after having been reviewed? What Third Agencies continue to hold your records and approximately how many records do they hold?
 9. *Records sent to you from Third Agencies.* Approximately how many records have been sent

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to your agency from Third Agencies for your review under the JFK Act? For how many of that number have you completed your review? Have all Third Agency records been reviewed and returned to the Third Agencies? If you have not completed your review of Third Agency documents, when do you anticipate completing it?

10. *Record-tracking procedures.* What types of record-tracking devices do you use to determine the number, location, and status of your Agency's records under the JFK Act? For example, are all of your records now identified by a number on an electronic database or do you keep flow charts showing the date you referred documents to Third Agencies?
11. *Difficulties in complying with the JFK Act.* Please identify any significant internal difficulties that **the Treasury Department** is having in complying with the JFK Act.

By copy of this letter, the Customs Service, Internal Revenue Service and Bureau of Alcohol, Tobacco & Firearms are notified of the Review Board's need to locate all records relating to the JFK Assassination. We have been in contact with the Secret Service, and are currently working with it to identify and review its records.

I **understand that** [certainly hope that] this letter [does not] creates an additional burden for you **and your staff**, but it is very important that the Review Board be able to obtain promptly a preliminary assessment of the current status of all agencies' compliance with the JFK Act.

Thank you very much for your help. Please do not hesitate to contact me at (202) 724-0088, ext. 232, if I can be of any assistance.

Sincerely yours,

David G. Marwell
Executive Director

Enclosures (**Previous correspondence, JFK Act and Extension, Definition, 2 forms**)

cc: Customs Service

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ATF

IRS

Blind copy[cc]:

T. Jeremy Gunn

Dennis J. Quinn

File no. 4.2.3

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