

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

May 15, 1995

Kevin Janet
Attorney Advisor
Freedom of Information Section
Drug Enforcement Administration
400 6th Street, NW
Washington, D.C. 20001

Re: Status of [Drug Enforcement Administration] Identification and Review
of JFK Assassination Records under 44 U.S.C. Sect. 2107

Dear Mr. Janet:

I am contacting you regarding the **President John F. Kennedy Assassination Records Collection Act** (“the JFK Act”). As you are probably aware, in 1992 Congress enacted **the JFK Act** 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.¹ 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

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.

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

In June of 1994 you responded to a survey letter from ARRB member William Joyce. You indicated that the only records reviewed by your office under the JFK Act were those records referred to the DEA by other federal agencies, in which the DEA had an interest. While your efforts are appreciated, I would ask you to re-evaluate your conclusions in light of the ARRB's draft definition. Specifically, under § 1400.1, (b), (2), an assassination record is defined as "... any inter-agency communication regarding the assassination; any request by the House Select Committee on Assassinations to collect documents and other materials; or any inter-or intra-agency collection or segregation of documents and other materials." I would also ask that you look into the records of DEA predecessor agencies (e.g. the Bureau of Narcotics, the Office of National Narcotics Intelligence) to determine whether Assassination Records were generated before the DEA was formed.

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 your Agency with whom you would like us to be in contact 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

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

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 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

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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 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 your Agency is having in complying with the JFK Act.

I certainly hope that this letter does not create an additional burden for you, 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 (JFK Act and Extension, Definition, 2 forms)

cc: T. Jeremy Gunn
[Staff person responsible]

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