

November 24, 1997

BY FACSIMILE AND FIRST-CLASS MAIL

Jeffrey I. Fogel, Esq.  
Criminal Division  
United States Department of Justice  
1001 G Street, N.W.  
Suite 1075  
Washington, D.C. 20530

Re: United States Department of Justice Criminal Division's Compliance with the JFK  
Assassination Records Collection Act, 44 U.S.C. § 2107

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Dear Mr. Fogel:

I wish to thank the Criminal Division, including you, Les Rowe, and Jon Routson, for making available for our inspection certain Criminal Division records, including organized crime files, for the purpose of identifying any records that may relate to the assassination of President Kennedy. These files were made available at the request of the Review Board. We sought to inspect the organized crime files in view of various assertions of organized crime involvement in the assassination of President Kennedy. See April 8, 1997 Letter from R. Haron to J. Fogel.<sup>1</sup>

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<sup>1</sup> For example, the report of the House Select Committee on Assassinations extensively considered potential organized crime involvement in the assassination of President Kennedy. See HSCA Report, at 147-180; see also Robert G. Blakey and Richard N. Billings, *Fatal Hour: The Assassination of President Kennedy by Organized Crime* (1981).

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We have nearly completed our review of the files made available and have identified certain documents that, we believe, should be designated as assassination records under the President John F. Kennedy Assassination Records Collection Act ("JFK Act"). Accordingly, these records should be placed in the JFK Collection at the National Archives and Records Administration ("NARA").<sup>2</sup> Set forth in the enclosure hereto is a listing of the documents we recommend designating as assassination records. *See* List of Criminal Division Records That the Assassination Records Review Board Recommends Be Designated as Assassination Records Under the JFK Act (Attachment A hereto).<sup>3</sup> It is essential that the Criminal Division do the following to assure the proper processing of these records under the JFK Act:

- (1) Prepare the requisite record identification forms (known as "RIFs") for each document. You will need to coordinate with Steve Tilley, Chief for the JFK Collection, to assure that the RIFs are properly prepared and made available in the appropriate electronic format.
- (2) To the extent that the Criminal Division wishes to postpone the release of any document, or portion of a document, please submit the document to the Review Board, identify the portion to be postponed, and state the justification, under the JFK Act (*see* 44 U.S.C. § 2107 (6)), for the postponement. The five-member Review Board must determine whether any claimed postponement is appropriate under the JFK Act.
- (3) To the extent that you will not seek to redact information in the records, please transfer them to the JFK Collection at NARA by January 30, 1998 and please confirm, in a letter to the Review Board, that this has been done. To the extent that you wish to postpone the release of information in certain records, please identify your proposed redactions and provide us with evidence supporting those redactions also by January 30, 1998.

We are presently determining what additional Criminal Division records, including internal security records, should be made available for inspection by the Review Board. We will shortly identify, in a separate letter request, any additional Criminal Division records that we believe should be inspected

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<sup>2</sup> By this letter, we are not confirming that all files requested in our April 8, 1997 letter to the Criminal Division have been identified or located. Given the volume of files that are involved, further follow-up may be required to locate some specific files.

<sup>3</sup> We request that you place *the originals* of the designated assassination records, rather than copies, in the JFK Collection. If the Criminal Division cannot place the originals with NARA, please inform us.

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for assassination-related materials. Pending the additional review and processing of Criminal Division records, we of course would not yet expect the Criminal Division to file its Final Declaration of Compliance under the JFK Act. However, we hope that the Criminal Division can complete its work and submit its Final Declaration by the Spring of 1998.

Thank you again for your cooperation, and please do not hesitate to call me in the event you have any questions regarding the Criminal Division's compliance with the JFK Act.

Sincerely,

Ronald G. Haron  
Associate General Counsel

cc: Les Rowe, Attorney-Advisor,  
Criminal Division

Enclosure

November 24, 1997

LIST OF CRIMINAL DIVISION RECORDS  
THAT THE ASSASSINATION RECORDS REVIEW BOARD  
RECOMMENDS BE DESIGNATED AS ASSASSINATION RECORDS  
UNDER THE JFK ACT

The Assassination Records Review Board recommends that the Criminal Division of the U.S. Department of Justice designate the following records as assassination records under the President John F. Kennedy Assassination Records Collection Act., 44 U.S.C. § 2107:

1. File No. 51-16-1113

Materials from this file, which date from the 1975 period, relate directly to the Kennedy assassination.

These materials include press clippings regarding Lee Harvey Oswald, Marina Oswald, and the FBI.

Our prior review of the JFK Collection at NARA disclosed that materials from this file were already placed in the JFK Collection, and apparently this additional material was not included. Accordingly, please now place *the original* of this additional material in the JFK Collection. Also, please verify that this file, in its entirety, has been retrieved from storage and reviewed under the JFK Act (this file was obtained from accession no. 60-76-310).

2. File No. 123-66

This appears to be a general chronological file of the Criminal Division containing high-level correspondence and memoranda of the Assistant Attorney General for the Criminal Division. The file contains materials relating to organized crime. We identified several assassination records, as follows:<sup>1</sup>

a. Section 40 (9/11/63 - 9/30/63)

- Sept. 17, 1963 Letter from H. Miller to M. Caplin, IRS Commissioner, regarding request for certain tax return records. This memorandum mentions that Judith Campbell was to be interviewed in connection “with the John Roselli tax investigation being conducted by” the intelligence unit of IRS.

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<sup>1</sup> We are continuing to review file no. 123-66 and will identify any additional assassination records.

b. Section 42 (10/4/63 - 10/25/63)

- Jan. 22, 1964 Memorandum from H. Miller to W. Hundley, Chief, Organized Crime Section, transmitting Jan. 3, 1964 Memo from D. D. McMillan to W. Hundley (Report of Organized Crime Section Re: Frank Sinatra). The January 3 memorandum mentions Roselli, Giancana, Trafficante; indicates that Judith Campbell was interviewed October 3, 1963 by SA Vernon Lynch in connection with a Roselli tax investigation; indicates that Ms. Campbell refused to answer based on her 5th Amendment right; and recommends that Ms. Campbell be subpoenaed regarding calls to Giancana and Roselli.

c. Section 44 (11/16/63 - 12/13/63)

- Dec. 6, 1963 Memorandum from G. Shur regarding tax return records of George Senator.
- Nov. 29, 1963 Letter from H. Miller to the IRS Commissioner requesting tax return records of Lee Harvey Oswald, Jack Ruby, and others.

d. Section 45 (12/14/63 - 1/31/64)

- Jan. 17, 1964 Letter from A. Long, Director, Intelligence Division, to H. Miller enclosing Earl Ruby's tax return records for 1956-60 (*note*: the actual tax returns are not contained in this Criminal Division file).
- Jan. 10, 1964 Letter from H. Miller to M. Caplin, IRS Commissioner, requesting 1957-62 tax returns of Robert L. Oswald, Marguerite Oswald, and others.
- Jan. 4, 1964 Letter from J. Pinchok (member of public) to Robert Kennedy expressing sympathy for JFK death, and Jan. 8, 1964 Letter from H. Miller to J. Pinchok acknowledging her letter.
- Dec. 17, 1963 Letter from U.S. Attorney in Los Angeles (Frances Whelan) re initiating grand jury proceedings regarding New Frontier Hotel and John Roselli connection thereto, and Jan. 20, 1964 response of H. Miller.

e. Section 53 (8/1/64 - 8/31/64)

- July 29, 1964 Letter from H. Alan Long, Director, Intelligence Division, IRS, to H. Miller

regarding George Senator.

- Aug. 10, 1964 Memorandum from H. P. Willens, Warren Commission, to H. Miller regarding IRS investigation of George Senator.
- Aug. 24, 1964 Letter from H. Miller and W. Hundley to H. Alan Long regarding George Senator.

3. File No. 51-403

This file relates to Jame Hoffa. We identified the following assassination records:

a. Section 34

- Oct. 4, 1962 Memorandum from the FBI Director to the Attorney General regarding the need for a new polygraph test to determine the truthfulness of allegations by Edward Partin that James Hoffa had made threats against Robert F. Kennedy.
- Oct. 10, 1962 Memorandum from the SAC, New Orleans, FBI, regarding interview with Edward Partin and Hoffa threats against Robert F. Kennedy.

b. Section 35

- Jan. 16, 1963 Memorandum from the FBI Director to the Attorney General regarding James Hoffa's interview on the Huntley-Brinkley program.

c. Section 39

- Dec. 9, 1963 Memorandum from the FBI Director to the Attorney General regarding James Hoffa's reaction to the assassination of President Kennedy.

4. File No. 51-71-0

This file relates to Clarence Smelley, who had alleged that James Hoffa was involved in the assassination of President Kennedy. We identified the following assassination records in this file:

- March 6, 1964 Memorandum from the FBI Director to the Attorney General regarding James Hoffa and Clarence Smelley. This document references a March 3, 1964 interview of

Mr. Smelley by the FBI office in Birmingham, Alabama in which Smelley alleged a September 1963 meeting between Oswald and Hoffa in Washington, D.C. "at which time Hoffa gave 'contracts' to Oswald to kill President Kennedy and the Attorney General."

- March 9, 1964 copy or draft of United States's "Application for an Order of Arrest of Clarence Daniel Smelley for Contempt of Court."
- March 16, 1964 Memorandum from J. McShane, Chief, Executive Office for U.S. Marshals, to R. L. Call, U.S. Marshal, regarding Clarence Smelley.
- March 20, 1964 Letter from J. Roberts to K. Harwell, U.S. Attorney, regarding Clarence Smelley.
- March 25, 1964 Memorandum from J. W. Cameron, E.O. U.S.M. , to J. McShane, Chief, Executive Office for U.S. Marshals, regarding Clarence Smelley.
- March 25, 1964 Memorandum from J. F. Neal, Special Assistant to the Attorney General, to E. T. Steele regarding Clarence Smelley. This memorandum reports that Smelley told attorney James Roberts that a tape existed of a conversation between Lee Harvey Oswald and Jimmy Hoffa "concerning the assassination of President Kennedy."

Because this is not a large file, and to maintain the integrity of the file, we recommend that you place the original of the entire file in the JFK Collection even though it may include a few documents unrelated to the assassination.

5. File 48-1-668 through 754

We recommend designating certain 1968 documents relating to Clarence Smelley. These documents are grouped under serial 48-1-696 and they relate to consideration given by the Department of Justice in 1968 to filing charges against Mr. Smelley for the theft of U.S. mail. Given Mr. Smelley's allegations in 1964 of Hoffa's involvement in the assassination, we thought these documents, which discuss Mr. Smelley's mental competence to stand trial, might be considered sufficiently relevant to qualify as assassination records.

6. File No. 156-32-31

This file relates to Edward Partin and contains documents regarding his allegations, in the Fall of 1962, that James Hoffa was threatening the life of Attorney General Kennedy (for a discussion of

these allegations, see HSCA Report at 176-78). We identified the following assassination records:

- Oct. 1, 1962 Memorandum from Walter Sheridan to the Attorney General reporting on Edward Partin's allegations that Hoffa had discussed killing Robert Kennedy.
- Oct. 4, 1962 Memorandum from the FBI Director to the Attorney General regarding the polygraph examination administered to Partin.
- Oct. 5, 1962 FBI Letterhead Memorandum regarding Department of Justice interview of Partin regarding his allegations of Hoffa's threat against Robert Kennedy.
- Oct. 8, 1962 Memorandum from the FBI Director to the Attorney General regarding Edward Partin.
- Oct. 10, 1962 FBI Letterhead Memorandum regarding Partin allegations of Hoffa's threat against Robert Kennedy.
- Oct. 10, 1962 Memorandum from the FBI Director to the Attorney General regarding Partin allegations of Hoffa threat against Robert Kennedy, including re-interview of Partin by the FBI.
- Oct. 16, 1962 Memorandum from the FBI Director to the Attorney General regarding Edward Partin.
- Nov. 15, 1962 Memorandum from the FBI Director to the Attorney General regarding Edward Partin.
- Feb. 9, 1963 FBI Report of SA C.N. Reed regarding Edward Partin, including reference to perjury indictment against Partin.
- March 22, 1963 Memorandum from the FBI Director to H. Miller regarding alleged threats against Edward Partin.
- Sept. 4, 1964 FBI Letterhead Memorandum regarding alleged threats against Edward Partin.
- Sept. 10, 1964 FBI Letterhead Memorandum regarding alleged threats against Edward Partin.
- Sept. 10, 1964 Memorandum from H. Miller to the FBI Director regarding alleged threats



against Edward Partin.

- Sept. 24, 1964 Memorandum from H. Miller to FBI Director regarding alleged threats to Edward Partin.
- Oct. 23, 1964 FBI Letterhead Memorandum regarding Edward Partin and Carlos Marcello.
- Dec. 18, 1964 FBI Letterhead Memorandum regarding Edward Partin.
- March 10, 1967 FBI Letterhead Memorandum regarding information received from Annie R. Patterson relating to the assassination of President Kennedy.
- March 13, 1967 Letter from R. Sullivan of Mallay, Sullivan & Sullivan regarding Edward Partin and the Garrison investigation of the Kennedy assassination.
- March 20, 1967 Memorandum from F. Vinson, Assistant Attorney General, to the Attorney General regarding the March 13, 1967 R. Sullivan letter.
- Oct. 7, 1968 FBI Report by SA E.J. Carney regarding alleged efforts to influence Edward Grady Partin. This report and enclosures, while not directly related to the Kennedy assassination, does mention the assassination and the Garrison investigation. There are two copies of the report in the envelopes marked serial no. 7 and serial no. 12 for this file (both copies should be placed in the JFK Collection).
- Undated 54-page draft discussing chronology of legal proceedings against James Hoffa. This draft includes a discussion of the Garrison investigation into the assassination of President Kennedy at pages 40-43, but we recommend that the entire document be processed as an assassination record. The draft is located in the envelope marked serial no. 7 for this file

7. File No. 51-1-93

This file contains FBI reports from the Fall of 1964 regarding alleged threats against Edward Partin. Since this is not a voluminous file, and it covers a time period close to the assassination and Mr. Partin's allegations regarding James Hoffa, we recommend that the entire file be designated as an assassination record.

8. File No. 51-32-107

This file relates to a 1962 investigation of alleged bribery of an NLRB official by James Hoffa. While the file is not related to the Kennedy assassination, we recommend that two documents be designated as assassination records. They are:

- Oct. 21, 1962 Memorandum from A.F. Grimsley to W.J. Sheridan regarding E. Grady Partin; J.R. Hoffa; Miscellaneous Information; Assassination Plot. This memorandum discusses an October 20, 1962 interview with Edward Partin in Atlanta.
- May 17, 1963 Memorandum from H. Miller to the FBI Director regarding James Hoffa and Edward Partin.

9. File No. 123-32-23

This is a voluminous file relating to various legal proceedings against Carlos Marcello and it spans from the 1950's to the 1970's. The file does not relate to the Kennedy assassination. However, there is one document we recommend be designated as an assassination record:

- March 21, 1964 FBI Letterhead Memorandum regarding search of David Ferrie's residence by the New Orleans Police shortly after the JFK assassination, including enclosures thereto.

10. File No. 156-71-50

This file relates to legal proceeding against James Hoffa. We identified two assassination records, as follows:

- June 5, 1968 Memorandum from F. Vinson to the FBI Director regarding Edward Partin's allegations of Hoffa threat against Robert Kennedy.
- July 5, 1968 Memorandum from FBI Director to the Attorney General regarding the assassination of Robert Kennedy and alleged threats of James Hoffa.

These are contained in the envelope marked serial no. 2 for this file.