

May 11, 1998

BY FACSIMILE AND FIRST-CLASS MAIL

Mr. Frederick D. Hess  
Director, Office of Enforcement Operations  
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

---

Dear Mr. Hess:

We have completed our review of various internal security and other files of the Criminal Division that were made available pursuant to the request of the Review Board (*see* Dec. 11, 1997 Letter from R. Haron to J. Fogel). I am writing to summarize the results of the Criminal Division's record searches in response to our December 11 letter, as well as to recommend formally that certain records be designated, under the JFK Act, as assassination records.

Set forth is our understanding as to the status of the Division's searches in connection with the records set forth below:

1. Internal Security Records Relating to Oswald

a. Lee Harvey Oswald. The Criminal Division records on Oswald and the assassination are contained in Criminal Division files numbered 129-11; 51-16-1113; 146-1-32-328; and 146-1-73-181. These files are currently in the JFK Collection (with the exception of some documents still being processed). Your office located a set of miscellaneous documents, including copies of certain correspondence (1961-62) to the Oswalds while in the Soviet Union, copies of later

Mr. Frederick D. Hess  
May 11, 1998  
Page 2

correspondence (1962-64) from Marina to individuals in the Soviet Union, and a November 26, 1963 Memorandum from James Angleton to the FBI Director regarding Oswald. In addition, you located an August 30, 1977 confidential memorandum regarding the Kennedy assassination prepared by M. Ewing. (Please confirm, through the record identification forms to be prepared for these documents, from which DOJ file they were obtained). No other files on Oswald were located.

b. Marina Oswald. Other than the files noted above for Lee Harvey Oswald, no other discrete files for Marina were located.

c. Fair Play for Cuba Committee. The Criminal Division made available its file on the Fair Play for Cuba Committee (DOJ File No. 146-1-95-162). It consisted of 43 sections spanning the time period from July 1960 to November 1970. We recommend that you designate, as assassination records, sections 38 to 43 covering the time period June 1963 to November 1970. These sections contain the following materials: the FBI report of Warren DeBrueys on the activities of the New Orleans FPCC and Oswald in the Summer of 1963; reports on the FPCC after the assassination by the FBI Director to the Attorney General; FBI field reports on the FPCC, including reports on individual FPCC chapters and the demise of the FPCC organization after the assassination; FBI reports regarding FPCC contacts with the Cuban Government; published articles on the FPCC and Oswald's contacts therewith; and letters from the public regarding the FPCC and its association with Oswald, as well as DOJ's letter responses.

d. Vincent T. Lee, President, Fair Play for Cuba Committee. The Criminal Division made available its file on Vincent Lee (DOJ File No. 146-1-7049). The file, as it was made available to the Review Board, consisted of two sections spanning the time period May 1961 to June 1963. We recommend that you designate these files as assassination records; they relate to the activities of the FPCC and Vincent Lee, including contacts with Cuban Government. No further files on Vincent Lee were located.

e. Yuri Nosenko. The Criminal Division located a small file on Mr. Nosenko, and the file (DOJ File No. 146-7-6221) relates to his defection to the United States. We recommend that the file be designated as an assassination record (we have informed the CIA that they will have an opportunity to review the file before release under the JFK Act; accordingly, please refer the file to the CIA for review).

f. Michael and Ruth Paine. The Criminal Division located no files on the Paines.

g. George DeMohrenschildt. The Criminal Division located a file on Mr. DeMohrenschildt

Mr. Frederick D. Hess  
May 11, 1998  
Page 3

(DOJ File No. 146-1-73-285). The file consisted of four sections spanning the period February 1964 to 1967. We have confirmed that this file consisted entirely of FBI reports, and the FBI files on Mr. DeMohrenschildt have already been processed under the JFK Act. Nevertheless, to dispel any speculation as to what records the Criminal Division has on Mr. DeMohrenschildt, we recommend that the Division's DeMohrenschildt file be designated as an assassination record in its entirety.

h. Major General Edwin Walker. The Criminal Division has a substantial file on Major General Walker (DOJ File No. 146-1-12-6422). It consists of 5 sections of "official mail" spanning the time period November 1961 to August 1968 and 14 sections of "miscellaneous mail" covering November 1961 to June 1972. These files relate primarily to the Walker-led uprising at the University of Mississippi in October 1962 and Walker's subsequent incarceration by Federal authorities. In view of the fact that the file does not relate to the attempt on General Walker's life by Lee Harvey Oswald, it is our opinion that the entire file need not be designated as an assassination record under the JFK Act. However, there were some individual documents that mentioned the attempt on General Walker's life, and those individual documents should be designated as assassination records. Those documents are:

Section 5 of Official Mail File

- April 30, 1963 Letter from Congressman David Martin to Attorney General Robert F. Kennedy
- May 6, 1963 Letter from Linda K. Stores, Secretary to Burke Marshall, Assistant Attorney General for the Civil Rights Division, to Congressman Martin
- June 11, 1963 Letter from Burke Marshall to Congressman Martin
- June 6, 1963 Dallas FBI report
- June 18, 1963 Dallas FBI report

Section 14 of Miscellaneous Mail File

- April 22, 1963 Note from David Cavaness, member of the public, to the Department of Justice
- May 13, 1963 Letter Response from Herbert J. Miller, Assistant Attorney General for the

Mr. Frederick D. Hess  
May 11, 1998  
Page 4

Criminal Division, to Mr. Cavaness

- May 1, 1964 Telegram from Dana Wier, member of the public, to Senator Kenneth Keating
  - May 7, 1964 Note from Senator Keating to the Department of Justice referring the Wier telegram
  - May 12, 1964 draft Letter from Herbert Miller to Senator Keating
  - May 14, 1964 Final Letter from Herbert Miller to Senator Keating
- i. Files of Walter J. Yeagley, Assistant Attorney General for the Internal Security Division.  
No discrete office files for Mr. Yeagley were located by the Criminal Division.

2. Records Relating to the Garrison Case

a. Jim Garrison. The Criminal Division has identified a file relating to Jim Garrison (DOJ File No. File 82-32-90), but that file has not been located.

b. Clay Shaw. The Criminal Division located no files for Clay Shaw.

c. David Ferrie. The Criminal Division located no files for David Ferrie.

3. Records Relating to DOJ's Review of the HSCA Acoustical Findings.

No additional records have been located, but it is our understanding that any such records would be included with the records of either Roger Cabbage or Jeff Fogel, the Criminal Division attorneys who had responsibility for JFK assassination matters after the House Select Committee on Assassinations concluded its work. Those records are still, in part, being processed for inclusion into the JFK Collection.

4. Records on Judith Campbell Exner.

The Criminal Division located no files for Judith Campbell Exner.

Thank you for making available the additional files requested by the Review Board. Please let me know if anything in our letter is incomplete or inaccurate. We do not have any additional record

Mr. Frederick D. Hess  
May 11, 1998  
Page 5

requests at this time. It is our hope that the Criminal Division can complete all outstanding obligations under the JFK Act by August 1, 1998, including the placement of all assassination records in the JFK Collection and submission to the Review Board of the Criminal Division's Final Declaration of Compliance. The Declaration of Final Compliance should be executed under penalty of perjury in the form prescribed by 28 U.S.C. § 1746.<sup>1</sup> To the extent that the Criminal Division seeks to postpone release of any portions of its records, please inform us as soon as possible so that the Review Board can vote on the proposed redactions, as is required by the JFK Act.

Thank you again for the excellent cooperation of your staff. If there are any questions regarding the completion of the Criminal Division's work under the JFK Act, please do not hesitate to call me.

Sincerely,

Ronald G. Haron  
Associate General Counsel

cc: Les Rowe, Attorney Advisor,  
Criminal Division (by facsimile)

---

<sup>1</sup> The request that the Final Declaration be submitted under oath is one that we have made of all Federal agencies under the JFK Act. To satisfy the requirement of 28 U.S.C. § 1746, the declarant should state at the end of the Final Declaration that "I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. on this \_\_\_ day of \_\_\_\_\_ 1998."

Mr. Frederick D. Hess

May 11, 1998

Page 6