

April 4, 1997

Mr. Dennis R. Bartholomew  
19 Elm Drive  
Lansdale, PA 19446

Dear Mr. Bartholomew:

I am in receipt of several letters that you have sent (including letters that you have copied to various members of the Board and others) regarding various requests for records. We understand your desire to have answers to your questions.

As I am sure you can well imagine, we have received literally hundreds of letters from people throughout the country requesting that we look into various theories of the assassination and pursue vigorously different categories of records that they identify. Many suggest that we conduct depositions and interviews related to different alleged conspirators. Some believe that we should vigorously pursue depositions of organized crime figures. Others believe that we need to take depositions of CIA officers and persons connected with military intelligence.

It is important that the public understand that our principal task is reviewing the tens of thousands of records that are already in the pipeline and to make those records available to the American people. Although it would be wonderful if we had unlimited resources, manpower, and time to pursue the many different theories and categories of records, we simply do not. We are, however, attempting to pursue leads that we think are reasonably likely to result in additional records. These leads are often very time consuming. Let me give you a couple of examples on issues that are of concern to you.

1. You requested information about Oswald's tax returns. Under Federal law, tax return information generally is protected by the Internal Revenue Code and section 11(a) of our statute specifically exempts IRS records from our purview. Nevertheless, in response to your request, we took the following steps: (a) We requested the information about tax ID numbers and other information from the IRS. The IRS responded that the information is protected by the IRC. (b) I drafted and sent to the IRS a lengthy legal analysis arguing for our access to the information. (c) The IRS has not yet responded, although we have made repeated follow-up requests for an answer. The IRS has promised that a response will be forthcoming. (d) We wrote two letters to Marina Oswald Porter requesting that she sign a waiver so that some (or all) of the information could be released. She has not answered our letters. (e) I telephoned Ms. Porter and urged her to sign the

Mr. Dennis R. Bartholomew

April 4, 1997

Page 2

waiver. She has not. We are continuing to pursue your request, and we continue to hope that results will be forthcoming.

2. You also requested information about Oswald school records that allegedly were taken by the FBI more than thirty years ago. All FBI records of this sort should have been placed in the Dallas and HQ Oswald files. All of those files are now being processed under the JFK Act. But what if the records were taken and not placed in the files? The only way one can find such information is to look through indices. We have tried every reasonable approach that we can to locate such records, but have not been able to do so to date. But what, you might ask, if the FBI has "secret" files about the assassination that they are not telling you about? In order to handle this situation, we have established a formal Compliance Program whereby the FBI ultimately will be required to state, under oath, that it is aware of no additional assassination records. *If you have any other specific suggestion as to where we could look in FBI files, please do not hesitate to tell us.*

3. You requested information about Mr. Capehart. I have made the appropriate records requests to the Central Intelligence Agency. The results will become available in the future. It is important for you to remember, however, that *we are not investigating the assassination.* It is not our job to adopt theories related to the assassination and then investigate those leads through depositions and interviews, as you have recommended. As you know, there are scores of theories about possible suspects; but Congress gave us neither the authority, time, nor resources to investigate a crime that was committed more than thirty years ago. It would be very helpful to us if you would help explain to others that although we are attempting to review and to pursue records, we are not able to pursue theories related to alleged assassins.

We continue to appreciate your interest in the Review Board's work. Once our work is completed, you will be able to see that we have been able to locate and release an enormous number of records that previously were unavailable to the public.

Sincerely,

T. Jeremy Gunn  
General Counsel