

September 18, 1995

BY FACSIMILE AND FIRST-CLASS MAIL

Mr. Nelson Hermilla  
Chief, FOI/PA Branch  
Administrative Management Section  
Civil Rights Division  
United States Department of Justice  
P.O. Box 65310  
Washington, D.C. 20035

Re: Status of the Civil Rights Division's Compliance with the JFK  
Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Mr. Hermilla:

As you are aware, Stephen R. Colgate, Assistant Attorney General for Administration, designated you the Assassination Record Review Board's contact person within the Civil Rights Division by letter dated September 8, 1995. Accordingly, I am writing to you regarding the Civil Rights Division's implementation of the JFK Assassination Records Collection Act, 44 U.S.C. § 2107 ("the JFK Act").

Under the JFK Act, all Government offices -- including the Civil Rights Division -- are required to: (a) identify all of their records related to the assassination of President Kennedy, (b) review the records for the purpose of declassifying them under the standards specified in the JFK Act, (c) prepare electronic identification aids, and (d) send the records to the National Archives.

The Assassination Records Review Board, a panel appointed by the President and confirmed by the Senate, is responsible for overseeing compliance with the JFK Act. In June of this year, the Review Board promulgated in the *Federal Register* a regulation that defines "assassination record" for purposes of the JFK Act (a copy of this regulation is enclosed). This regulation should help provide guidance to Government offices in their search for assassination records. Members of our professional staff -- who have received all of the appropriate security clearances -- are also available to assist you and your staff in this process.

Mr. Nelson Hermilla  
September 18, 1995  
Page 2

On July 27 of last year, you responded to an Assassination Records Survey form sent by Dr. William L. Joyce, one of the members of the Review Board, as follows:

The Civil Rights Division has never had restricted records involving the JFK assassination. In accordance with the Assassination Records Collection Act, the Division transferred ownership of all non-restricted records pertaining to the alleged violation of civil rights by a District Attorney in New Orleans to the National Archives.

I am writing now to request updated information regarding the Civil Rights Division's implementation of the JFK Act. More specifically, I wish to inquire about:

1. *Status of search for records.* Should we understand your July 1994 response to mean that the Civil Rights Division has 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 the Civil Rights Division, but outside of the Civil Rights Division's physical possession (*e.g.*, at Federal Records Centers)?
2. *Total volume of records.* What is your current best *estimate* of the total number of records the Civil Rights Division 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?

Mr. Nelson Hermilla  
September 18, 1995  
Page 3

6. *Transfer of records and electronic information to the National Archives.* Has the Civil Rights Division 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 (within the Department of Justice or in other parts of the Government) 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 the Civil Rights Division 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 the Civil Rights Division'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 Civil Rights Division is having in complying with the JFK Act.

I would appreciate receiving a response to these inquiries by September 30, 1995. 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.

Mr. Nelson Hermilla

September 18, 1995

Page 4

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