

October 26, 1995

Mr. Nelson D. Hermilla
Chief, Freedom of Information/
Privacy Acts Branch
Civil Rights Division
United States Department of Justice
P.O. Box 65310
Washington, D.C. 20035-5310

Re: Clarification of September 29 Letter

Dear Mr. Hermilla:

Thank you for your letter of September 29, 1995. Your letter touches on three areas as to which we now seek clarification. These three areas are as follows:

1. DOJ File Number 144-017-73

The two index cards mentioned in your letter refer to DOJ file number 144-017-73. The Record Identification Forms attached to these cards state: "CRT files indicate that the file which would contain this memo was destroyed in 1991." The enclosed Standard Form 258 further indicates that the original index cards themselves were destroyed after being copied onto microfiche.

Section 7(j)(1)(C)(ii) of the President John F. Kennedy Assassination Records Collection Act ("the JFK Act") empowers the Review Board to "direct a Government office to make available to the Review Board, and if necessary, investigate the facts surrounding, additional information, records, or testimony . . . which the Review Board has reason to believe is required to fulfill its functions and responsibilities." Section 7(j)(1)(D) of the JFK Act authorizes the Review Board to "require any Government office to account in writing for the destruction of any records relating to the assassination" of President Kennedy.

Pursuant to this statutory authority, the Review Board requests that you state in writing all of the facts and circumstances surrounding the destruction of the index cards, the "memo from the FBI to DOJ" described in Record Identification Forms Numbers 188-10000-10000 and 188-10000-10001, and any other material from DOJ file number 144-017-73, including:

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(a) all information regarding the number of records destroyed, the content of those records, and the reason for their destruction;

(b) the names and job titles of all persons who were involved in or approved of such destruction;

(c) the date and location of such destruction;

(d) the authority under which these records were destroyed; and

(e) the subject matter of the contents of DOJ file 144-017-73.

In addition, please provide access to any documents related to the above inquiries and any material from DOJ file number 144-017-73 still in existence.

2. DOJ File Number 144-32-1220

Your September 29 letter does not mention that, in addition to these index cards, there are some 700 pages of assassination records from the Civil Rights Division in the JFK Assassination Records Collection at the NARA II facility in College Park, Maryland. (A copy of the Standard Form 258 that documents this transfer is enclosed.) Each of these records appears to have come from DOJ file number 144-32-1220. Attached to these records are Record Identification Forms with record numbers of "999-99999-10000," "999-99999-10001," and so on. The record numbers for assassination records from the Civil Rights Division should begin with the prefix "188." Steven Tilley at NARA II has advised us that the "999" record numbers probably resulted from an anomaly in the computer disks on which these Record Identification Forms were created.

Please confirm in writing whether all material from DOJ file number 144-32-1220 has been processed under the JFK Act and sent to the JFK Assassination Records Collection. If any material from that file has not been so processed, please provide access to it. We also request, pursuant to Section 7(j)(1)(A) of the JFK Act, that the Civil Rights Division prepare new electronic identification aids for the records from DOJ file number 144-32-1220 to replace the incorrect identification aids described above.

3. Search for Other Assassination Records

Please provide the following information and records regarding the Civil Rights Division's search for

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records responsive to the JFK Act:

- (a) all documents (*e.g.*, tasking memoranda) related to the Civil Rights Division's search for assassination records;
- (b) the names and job titles of all persons involved in that search;
- (c) a description of all databases, indices or other methods of identifying or locating records that were employed in that search;
- (d) a description of all locations searched; and
- (e) an explanation of DOJ's numerical file classification system (*e.g.*, does the prefix "144-" designate a particular type of case? Do the remaining digits in the above-referenced files signify, *e.g.*, the location of the case?).

We appreciate your prompt attention to these requests. We are happy to receive responses on a rolling basis, if responding to some requests takes more time than responding to others. If you have any questions, please contact Phil Golrick of our staff.

Thank you for your cooperation.

Sincerely yours,

David G. Marwell
Executive Director

Enclosure