

November 27, 1996

VIA COURIER

The Honorable Eljay B. Bowron
Director
United States Secret Service
1800 G Street, N.W.
Washington, D.C. 20223

Re: United States Secret Service Compliance with the JFK Assassination Records
Collection Act, 44 U.S.C. § 2107

Dear Mr. Bowron:

Since 1994, the Assassination Records Review Board ("Review Board") has been working with a number of Federal agencies, including the Secret Service, to locate and publicly release records related to the assassination of President Kennedy. These actions have been taken pursuant to The President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) ("JFK Act"). We have been working with the Secret Service, particularly Jane Vezeris and John Machado, and have appreciated the cooperation we have received.

The purpose of this letter is to request your agency's cooperation in assisting the Review Board in discharging its responsibility of assuring Congress and the American people that the goals of the JFK Act have been accomplished to the greatest reasonable extent. We want to assure the American people that the United States Government has identified, located, and released all records relating to the assassination of President Kennedy. Indeed, one of the paramount purposes of the JFK Act is to certify to the public that the United States Government is not withholding relevant materials related to the assassination. *See, e.g., Assassination Materials Disclosure Act*, H. R. Rep. No. 102-625, Part 1, 102d Cong. 2d Sess. (1992) ("The Federal Government's failure to release official materials has contributed to numerous conspiracy theories and fueled charges of government complicity in the assassination . . . a salutary purpose is served in opening these files [relating to the JFK assassination] to allay the suspicion of government cover-up.").

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The Review Board has recently considered how it, along with the relevant federal agencies, can best demonstrate to the American public that a thorough, good faith, and diligent effort has been made to locate and release all remaining assassination-related records within the control of the United States Government (and that the Government is not hiding any such materials from public disclosure). Pursuant to the Congressional mandate under the JFK Act to "create an enforceable, independent, and accountable process for the public disclosure of such records," 44 U.S.C. § 2107 (2)(a)(3), the Review Board seeks to have the relevant federal agencies provide a complete and specific accounting of their efforts to locate and release assassination-related records, including a full explanation for any destruction of such records.

Accordingly, the Review Board requests that each relevant agency adhere to the formal compliance program (hereinafter "JFK Act Compliance Program") outlined below and devised by the Review Board pursuant to its powers under Section 7(j)(1)(A), (B), (C), (D), and (F) of the JFK Act. We hereby request that you undertake the following measures by the dates provided (these dates were set in view of the fact that the Review Board's operations currently are scheduled to expire on September 30, 1997):

1. Designation of Agency Compliance Official (or officials) and statement of intent to comply with the JFK Act. We request that, by December 9, 1996, your agency designate an Agency Compliance Official who ultimately will be responsible for ensuring that the agency has complied with its obligations under the JFK Act, including the identification, location, and organization of assassination records and the transmission of those records to the National Archives and Records Administration ("National Archives"). Although the Review Board assumes that Jane Vezeris will serve in this position, we nevertheless await your formal confirmation. If necessary, your agency may designate additional persons with knowledge of the measures that have been undertaken to locate assassination records.

We also request that by December 9, 1996, your letter convey the Secret Service's agreement to adhere to the compliance procedures outlined in this letter. To the extent that any compliance procedure described below appears to be unreasonable or to present difficulties that we may not have anticipated, please explain why and make alternate suggestions to us.

2. Initial Statement of Compliance. We also request that the Agency Compliance Official prepare, by January 6, 1997, an initial written statement of the agency's

compliance with the JFK Act ("Statement of Compliance"), setting forth the steps that the agency has taken to locate and process assassination records. The Review Board recognizes that many of the relevant federal agencies, including the Secret Service, have previously written letters to the Review Board apprising it of their progress at various stages of identifying and processing assassination records under the JFK Act. The initial Statement of Compliance, while it may include information previously reported to the Board, will constitute the draft of the Secret Service's comprehensive and final report to the American public of what it has done to locate records relating to the assassination. This Statement of Compliance shall include, to the fullest reasonable extent, the following information:

- a. A complete description of all steps that the Secret Service took to identify and locate assassination records including, but not limited to, an identification of the major record collections and files that were consulted in the agency's search, any departmental file indices consulted, the names and titles of the persons who were responsible for conducting the searches, the physical locations of the records that were searched, the off-site storage facilities (*e.g.*, Federal Records Centers) searched, the specific steps that were taken to locate and retrieve materials in archives, and any other criteria used by the agency to locate assassination records.

We appreciate that in June 1995 the Secret Service provided the Review Board with a written status report of what it did to locate assassination records, *see* June 15, 1995 Memorandum from John Machado to David G. Marwell (attached hereto), as well as other reports updating the Review Board on the Secret Service's compliance with the JFK Act. Much of this previously reported information should be included in the Statement of Compliance, which will constitute the Secret Service's comprehensive narrative statement to the public of what it has done to assure the transfer of assassination-related records to the JFK Collection at the National Archives.

- b. A description of the steps that the Secret Service took in direct response to specific requests of the Review Board to locate certain additional records or information relating to the assassination. For example, some of the specific records previously sought by the Review Board include letters of understanding with other agencies, "COS" material, personnel files, files of

individuals targeted for investigation, and files requested by the House Select Committee on Assassinations. While recognizing that the Secret Service may have previously responded to these requests in letter form, your Statement of Compliance should nonetheless contain a comprehensive description of your searches in response to these record requests. In addition, we note that the Secret Service has not located any documents from its field offices in Dallas, New Orleans, Miami, and Houston. We ask that your Statement of Compliance include a description of your search in these locations, as well as any record destruction schedules that would clarify the lack of field office records.

- c. To the extent that any assassination-related records have been destroyed by the agency or any agency official, a full and specific explanation of the circumstances surrounding the destruction of such records. We acknowledge that the Secret Service has previously offered both written and oral explanations for the destruction of records relating to protective surveys for President Kennedy (Accession No. 87-75-0004). For the purpose of completeness, we ask that the Secret Service incorporate its prior explanation of this destruction into the Statement of Compliance. Apart from these particular records, we request an explanation of the circumstances surrounding the destruction of any other assassination-related records of which the Secret Service has knowledge. Finally, there is a file -- captioned "Other Places" (Folder No. 6 in Box 2 of 87-75-4; File No. 602.111 covering July through November 1963) -- which is missing and has not been adequately accounted for. We ask that the agency confirm whether or not this file was destroyed or otherwise explain why this file is missing and what steps are being taken to locate it.
- d. The status of remaining work that you can now identify that needs to be completed by the Secret Service in order to comply fully with the JFK Act, including an identification of the categories of records that must be processed and transmitted to the National Archives, a description of any additional searches for files that must be done, and the projected date(s) for completion of these tasks.
3. Review Board Interview With Agency Compliance Official (or Officials). Shortly after the submission of the agency's written Statement of Compliance, we ask that the

Agency Compliance Official (as well as any persons who helped prepare the agency's initial Statement of Compliance) be made available to the Review Board for an interview regarding the location of agency assassination records. The interview will be used as an opportunity to resolve any outstanding questions regarding the agency's search, including any follow-up tasks to be completed by the agency. The Review Board anticipates that these interviews will be conducted in January and February 1997.

4. Submission of Final Agency Declaration of Compliance. By July 1, 1997, the Secret Service should expect to complete the process of identification, location, and declassification of its assassination records at which time it should submit to the Review Board a final declaration certifying, under oath, its compliance with the provisions of the JFK Act (the "Final Declaration of Compliance"). This final declaration shall set forth all of the information initially set forth in the initial Statement of Compliance and shall also supplement the initial Statement of Compliance by detailing any further steps that were conducted by the agency in identifying and locating assassination records. The Secret Service Final Declarations of Compliance will be included in our final report to Congress.

5. Compliance Depositions. Starting on or about August 1, 1997, the Review Board, pursuant to its statutory authority, may conduct depositions, under oath, of the Agency Compliance Official along with any other agency officials with responsibility for complying with the JFK Act. The decision to take a compliance deposition of an agency will be made on a case by case basis, taking into account the importance of the agency to the work of the JFK Act and the sufficiency of the agency's efforts to account fully for its compliance with the JFK Act. In the event that the Review Board decides to commence a compliance deposition of an agency, the responsible agency designee(s) will be expected to testify under oath with respect to any and all issues relating to the agency's record search, including the scope of the search, the identity of files searched, the destruction of any relevant records, and any other matters set forth in the Final Declaration of Compliance. Any person obligated to appear for a deposition under oath shall be fully entitled to obtain legal representation.

We look forward to receiving your initial response, by December 9, 1996 that designates your Agency Compliance Official and includes your statement regarding your position with respect to the provisions outlined in this letter. To the extent that you have any questions or suggestions regarding

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the Compliance Program, please do not hesitate to contact our General Counsel, T. Jeremy Gunn, at (202) 724-0088.

Thank you for your cooperation with our work.

Sincerely,

David G. Marwell
Executive Director

Enclosure

cc: John J. Kelleher, Chief Counsel, Secret Service
Ms. Jane E. Vezeris, Deputy Assistant Director, Office of Administration, Secret Service
Mr. Donald Personette, Deputy Chief Counsel, Office of Chief Counsel, Secret Service
Mr. John Machado, Chief, Policy Analysis and Records Systems, Secret Service