

February 11, 1997

Ms. Jane E. Vezeris
Deputy Assistant Director
Office of Administration
United States Secret Service
1800 G Street, N.W.
Washington, D.C. 20223

Re: Secret Service Records at NARA

Dear Ms. Vezeris:

I am writing in regard to processing issues related to two sets of Secret Service documents that are now in the custody of the JFK Collection at NARA.

1. Protective Surveys from 1963. On October 21, 1996, David Marwell wrote to you and explained that the Review Board had designated certain US Secret Service protective surveys "assassination records" and requested that you prepare record identification forms and disks in accordance with the procedures outlined in our May 29, 1996 letter. Subsequently, John Machado contacted Joan Zimmerman and said that the protective surveys were no longer in the possession of the Secret Service and that since the surveys had been transferred to NARA, the Service was not responsible for preparing RIFs. This view is reflected in your December 20, 1996 letter to David Marwell. (For your convenience, I am enclosing a copy of your December 20 letter.)

Your letter states: "It is my understanding that the Secret Service does not prepare the RIF's or data disks for these documents since these records have already been transferred to the National Archives."

Although I personally am not aware of all of the circumstances surrounding the documents -- and I would be pleased to learn of any clarifications that would be appropriate -- it is my understanding that these documents were sent to NARA at some point within the last two years and that they have not yet been made available to the public. It is also my understanding that when Congress enacted the JFK Act, the protective surveys were still in the custody and possession of the Secret Service.

To resolve the question of the comparative responsibilities of the agencies for attaching RIFs, we turn to the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) (JFK Act). According to the statute, all assassination records need to have RIFs *unless* the records were fully available to the public without redactions prior to October 26, 1992.

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See JFK Act, Section 5(d)(3). Although there are many Secret Service records that were fully available prior to that time, the 45 records at issue are, as far as I understand, not among that group. Accordingly, RIFs need to be prepared for these documents.

With respect to the responsibility for attaching RIFs, I read the JFK Act as providing (albeit not as clearly as one would wish), that such duties devolve upon the agency that had legal custody of the records at the time of the passage of the Act. (Otherwise agencies could simply transfer records to NARA without preparing forms.) *See* Section 5(d)(2).

In order to assist the Secret Service, the Review Board staff is willing, in this particular instance, to prepare the RIFs for all of the 45 Secret Service records that were recently transferred provided that they may be opened without redactions. (We do not wish to be responsible for any mistaken releases or postponements.) If this particular resolution is satisfactory to you, please confirm that the records may be open in full (in a letter both to us and to Steve Tilley) and we will prepare the forms. If you wish to continue your request for postponements in 12 of the protective surveys, we would ask you to prepare the RIFs and disks for all of those documents to avoid confusion in the data-entering process. In the future we will assume that all agencies will prepare RIFs for their records unless the statutory preconditions are satisfied.

2. Warren Commission Records. With respect to the Warren Commission records, it is our understanding that the Secret Service has previously determined that its Warren Commission records may be opened in full. However, we also understand that the documents themselves have not been marked as being "open" by the Secret Service. In order to make these records available to the public, we ask that you send someone to NARA to open them, or to find some other means that will satisfactorily notify NARA so that Steve Tilley may make them available to the public. We also understand that many of these same records have been opened through the Ford Library.

It is very important to the Review Board that we complete the declassification and opening of the Warren Commission records as soon as possible (and no later than March 20, 1997), and we would very much appreciate your help in taking care of this matter.

Please let me know if there are any questions that we can answer.

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Sincerely,

T. Jeremy Gunn
General Counsel

Enclosure

cc: Mr. Steven D. Tilley, NARA
Mr. Donald Personette, USSS