
Chapter 5:

Federal Agency Compliance with the JFK Act

[T/Final/ch502RH.wpd]

Introduction

After passage of the JFK Act in 1992, certain Federal agencies proceeded to search for records relating to the assassination of President Kennedy and to transfer those records to the JFK Collection at the National Archives where they would be made available to the public. Much of this activity took place before 1994, when the Review Board members were nominated by President Clinton. In 1994 and 1995, the Review Board established its staff and began to assess what various agencies so far had accomplished under the JFK Act. The Review Board also commenced requesting that agencies locate certain records to be reviewed for materials on the assassination.

In the Fall-Winter of 1996, the Review Board initiated a formal program to ensure, to the fullest reasonable extent, that all relevant agencies were complying with their obligations under the JFK Act, including their obligations to search for and publicly release records relating to the

assassination of President Kennedy. Under this “compliance program,” each agency was asked to submit a declaration, under penalty of perjury, describing the record searches that were undertaken, the assassination records that were located, and any other actions taken to release records on the assassination. The Review Board established this program to in furtherance of the JFK Act’s mandate that there be “an enforceable, independent and accountable process for the public disclosure” of records on the Kennedy assassination. 44 U.S.C. § 2107 (2)(a)(3).

Prior to submission of the agency’s Final Declaration of Compliance, the staff of the Review Board worked with the various agencies to resolve outstanding matters relating to agency compliance with the JFK Act. Among the issues that the Review Board addressed with the agencies were: (1) the overall scope and adequacy of the agency’s record search; (2) making available for inspection by the Review Board specific categories of records to be reviewed for materials on the assassination; (3) providing specific information in response to Review Board requests; (4) explaining the circumstances for the destruction of any records relating to the assassination

or otherwise accounting for specific record groups; and (5) processing records in a timely manner for release to the public.

Federal Agency Compliance with the JFK Act

Set forth below is a description of the major activities undertaken by each relevant Federal agency to comply with the JFK Act. For each agency, we have attempted to describe the initial work done by the agency after passage of the JFK Act, as well as follow-up work undertaken by the agency in conjunction with the Review Board.¹

¹Many of the descriptions of the work undertaken by various Federal agencies under the JFK Act were obtained from the initial or final certifications that the agencies submitted to the Review Board regarding their compliance with the JFK Act. Where appropriate, those certifications are cited in this chapter.

Central Intelligence Agency. The Review Board considered complete disclosure of all CIA records relating to Lee Harvey Oswald and the Kennedy assassination to be of the highest priority. In 1992 and 1993, the CIA's Historical Review Group proceeded to assemble the major collections of CIA records relating to the assassination. These included the Lee Harvey Oswald 201 file, the CIA records on the assassination that were sequestered pursuant to an agreement between the CIA and the HSCA ("the CIA-HSCA Sequestered Collection"), working files on the Kennedy assassination maintained by CIA officer Russ Holmes, minutes of the morning meetings of the Director of Central Intelligence, and working files of the CIA's Latin American section. *See* CIA Initial Statement of Compliance (dated March 19, 1998). The Oswald 201 file, as well as files from the CIA-HSCA Sequestered Collection, were publicly released in some form to the National Archives in 1993. *See id.*²

Upon assembling its staff responsible for CIA matters, the Review Board

² The extensive set of Russ Holmes working files were not transmitted to the National Archives in 1993. When the Review Board became aware of their existence, it insisted that they be released under the JFK Act. The CIA is presently processing those records for release.

commenced a program to request from the CIA certain additional records and information that might relate to the assassination. In all, the Review Board made 16 formal requests for information and records, as well as 37 informal requests. The CIA was generally cooperative in providing the responsive records and information. In many cases, the staff of the Review Board was granted access to review original, unsanitized CIA files to confirm the existence (or non-existence) of materials relating to the assassination, including original office files for the highest officials at CIA during the time of the assassination. As a result of this process, additional CIA records were identified for public release under the JFK Act, including a multi-volume Office of Security file on Lee Harvey Oswald. Other records designated for release included CIA organizational materials; CIA files on Clay Shaw and Jim Garrison; documents on Oswald contained within a CIA Office of Security defector file; excerpts of the calendar for former CIA Director Allen Dulles (who served on the Warren Commission); CIA's security file on Jack Ruby; and designated records from the files of former CIA Director John McCone.

In the Summer of 1998, the Review Board reviewed with CIA several outstanding issues to be addressed in the CIA's final certification of its compliance with the JFK Act. *See* July 15, 1998 Letter from the Review Board to the CIA. The Review Board also expressed to the CIA some concern regarding the adequacy of CIA searches for records relating to the assassination. The Review Board's concern arose out of the CIA's belated discovery of several records relating directly to Lee Harvey Oswald, including (a) an Office of Security file on Oswald and (b) a previously undisclosed "continuation" of the Oswald 201 file containing a small number of documents post-dating the 1977-78 HSCA investigation. As a result, the Review Board requested that CIA Director George Tenet issue a directive to all components of CIA requesting that they identify any records relating to the assassination. *See* July 7, 1998 Review Board Letter to the CIA. Such a directive was issued. Other measures were suggested by the Review Board, and these were undertaken by CIA.

On September __, 1998, the CIA submitted, under penalty of perjury, its Final Declaration regarding compliance with the JFK Act. The CIA

represented, among other matters, that: [Discuss significant representations by CIA]. *See* CIA Final Declaration of Compliance (dated September __, 1998).

Federal Bureau of Investigation. Like CIA records, disclosure of FBI records on the assassination were considered by the Review Board to be of paramount importance. After passage of the JFK Act, the FBI established a JFK Act task force and proceeded to transfer to the National Archives its major official files on: the JFK assassination investigation; Lee Harvey Oswald; Marina Oswald; Jack Ruby; and other major figures associated with the events of the assassination (including Ruth and Michael Paine, George DeMohrenschildt, David Ferrie, and Clay Shaw). These files were collected from FBI Headquarters and from FBI field offices, including most importantly the Dallas and New Orleans offices. These key files relating to the Kennedy assassination had been identified over the years through FBI responses to FOIA requests and came to be known as the “core and related” files. The FBI also began to forward to the JFK Collection various FBI files, including files on organized crime figures, that had been inspected by the

HSCA and sequestered pursuant to agreement between the HSCA and the FBI.

Thereafter, the Review Board's FBI team considered other FBI record groups that should be inspected for materials relating to the assassination. These record groups were identified both through Review Board research, as well as public suggestions. Accordingly, the Review Board formally submitted to the FBI [over 50] requests for records that were deemed sufficiently important for review under the JFK Act. The FBI responded to all requests and made available for Review Board inspection all original files sought by the Board. These records included FBI files on various anti-Castro groups, Warren Commission critics, right-wing groups in Dallas, and Edwin Walker to name a few. In addition, the Review Board requested that all files of J. Edgar Hoover, including his Official & Confidential ("O&C") files, be made available for inspection by the Review Board. The Review Board designated, as assassination records, two O&C files that were maintained on John F. Kennedy. Certain other materials were also designated from the O&C files. *See* Review Board Staff Memorandum

(dated Jan. 8, 1998). The Review Board also asked the FBI to locate certain other records that were apparently maintained by Director Hoover on the assassination. *See* April 22, 1997 Review Board Letter to the FBI. The FBI could not locate or account for these materials. The Review Board also sought to inspect the office files of Associate FBI Director Clyde Tolson, the number two man at the FBI at the time of the assassination. The FBI made available certain office files of Mr. Tolson from 1965, but could not account for his files from 1963-64.

In April 1998, the staffs of the FBI and the Review Board met to address any outstanding matters with respect to the FBI's compliance with the JFK Act. The compliance program with the FBI focused primarily on the adequacy of the FBI's searches under the JFK Act. While the FBI had previously identified the major official files relating to the assassination, and had provided the files that were sought under the Review Board's formal requests, the Review Board staff raised certain additional records issues, including identification of any working files for the top FBI officials with responsibility for investigating the Kennedy assassination and accounting for

all relevant electronic surveillance that related to the assassination.

In August 1998, the FBI submitted its Final Declaration of Compliance. In the Declaration, the FBI represented that [].

Secret Service. Before passage of the JFK Act, the Secret Service had transferred its official case file on the Kennedy assassination to the National Archives in 1979 (Secret Service File No. 34, 030) [Check-- Was the file opened to the public at that time?]. See Secret Service Initial Statement of Compliance (dated April 30, 1997). Nonetheless, after passage of the JFK Act, the Secret Service conducted additional searches, particularly among its archive holdings, for any additional records relating to the assassination. *Id.* In addition, the Review Board submitted to the Secret Service 21 separate requests for records. The Secret Service was cooperative in making the requested records available to the Review Board. The Secret Service designated, as assassination records under the JFK Act, additional materials beyond those contained in the official case file for the Kennedy assassination. Among the records designated were Secret Service

shift reports for the White House Detail for November 1963; Presidential Protective Survey Reports for the period March 1963 through December 1963 (these are files maintained in connection with a Presidential trip or event); and correspondence from the public on Presidential security.

The Review Board also sought to account for certain additional record categories that might relate to the Kennedy assassination. For example, the Review Board sought to obtain any office or working files that may have been separately maintained by James Rowley, Chief of the Secret Service at the time of the assassination. *See* October 27, 1995 and December 31, 1997 Review Board Letters to the Secret Service. The Secret Service did locate various Rowley correspondence and memoranda, but did not (or could not) provide any information as to the disposition of any working files maintained by Chief Rowley. The Review Board also sought information as to the identity and disposition of any working files maintained by Robert Bouck, who was head of the Protective Research Service at the time of the assassination. *See* January 6, 1997 and December 31, 1997 Review Board Letters to the Secret Service. In this capacity, Mr. Bouck was responsible

for the collection of information relating to potential threats to the President and Vice-President. Mr. Bouck testified before the Warren Commission regarding protective intelligence information gathered in connection with President Kennedy's trip to Dallas. As with Chief Rowley, the Secret Service identified various Bouck documents, but did not (or could not) account for whether there were any personal working files maintained by Mr. Bouck. [*See* Secret Service Final Declaration of Compliance (dated August __, 1998)].

The Review Board also sought from the Secret Service an explanation for the circumstances surrounding the destruction, after passage of the JFK Act, of certain Presidential Protection Survey Reports for President Kennedy (the destroyed materials did not relate specifically to President Kennedy's trip to Dallas, but rather included materials relating to Presidential trips between September 24, 1963 and November 8, 1963, as well as some pre-1963 materials [doublecheck]). The Secret Service formally explained the circumstances of this destruction in correspondence and an oral briefing to the Review Board. *See* March 28, 1996 and July 31, 1995 Secret Service

Letters to the Review Board (attached to the Secret Service's Final Declaration of Compliance). The Review Board also sought to learn about the destruction of some other records -- certain 1963 protective intelligence files relating to reported threats to the President arising out of the Dallas area (which files were identified to the Warren Commission) and a file on the Fair Play for Cuba Committee. [Summarize Secret Service response from its Final Declaration].

National Security Agency. Despite the highly classified nature of its work, the National Security Agency ("NSA") was fully subject to the JFK Act and conducted searches for assassination records after passage of the Act. Many of the assassination records located by NSA came out of archival holdings for its Legislative Affairs Office and General Counsel's Office and related to NSA responses to prior investigations of the assassination. *See* NSA Initial Statement of Compliance (dated January 8, 1997). In March 1995, the NSA briefed the Review Board as to how it conducted its searches for assassination records and, in addition, submitted answers to specific questions submitted by the Review Board as to records

NSA might have relating to the assassination. *See* June 1, 1995 NSA Letter to the Review Board. The Review Board thereafter submitted additional questions to NSA, particularly regarding intelligence holdings that it might have relating to the assassination and Cuba or the Soviet Union. *See* August 29, 1995 Review Board Letter to NSA and _____, 1998 Review Board Letter to NSA (the __, 1998 letter remains classified). NSA was cooperative in answering the Review Board's questions, including submitting a detailed set of responses to Review Board inquiries regarding intelligence holdings on Cuba and the Soviet Union that might lead to relevant information relating to the assassination. *See* April 1, 1998 NSA Letter to the Review Board (classified).

Based on our overall review of NSA's responses, the Review Board requested that NSA locate the original files of top NSA officials during the period of the Warren Commission (NSA Director Lt. Gen Gordon Blake and NSA Deputy Director Dr. Louis Tordella). NSA located materials on the Warren Commission from the files of Deputy Director Tordella and, at the time of this report, was still trying to locate the files of the NSA Director for the

relevant time period. In addition, we asked NSA to verify whether it had a particular category of intelligence holdings relating to Cuba [incorporate NSA response when we receive].

With respect to NSA's review of its intelligence holdings, NSA advised the Review Board that its relevant intelligence records had "report[ed] on reactions to the assassination" and that they did not contain "unique information" on the "planning , execution, or investigation" of the assassination. *See* NSA Initial Statement of Compliance, at 3 [need to cite Final Declaration].

Department of State. The State Department's main record holdings regarding the assassination were transferred to the National Archives in 1989 -- before passage of the JFK Act. These consisted of so-called "lot files" numbered 69 D 186 and 85 D 275. *See* State Department Final Declaration of Compliance (dated ____, 1998). Lot 69 D 186 contained files from the Office of Security and Consular Affairs and consisted mostly of State Department records relating to assistance to the

Warren Commission. Lot 85 D 275 consisted of records on the assassination obtained from the Legal Advisor's Office. *See* Review Board Staff Memorandum (dated April 23, 1997).

After passage of the JFK Act, the State Department conducted additional searches for records relating to the assassination. Among the additional records identified under the JFK Act and transferred to the National Archives were: a third lot file on the assassination (Lot No. 79 D 248 [doublecheck that this is at NARA]); diplomatic cables regarding foreign reaction to the assassination; records from the Mexico City Post File (Lot No. 69 F 197); documents from the records of Llewellyn E. Thompson, former Ambassador to the Soviet Union; records of Secretary Dean Rusk, including memoranda summarizing telephone conversations he had regarding the assassination; and working files on the assassination maintained by U. Alexis Johnson, then Deputy Undersecretary of State.

The Review Board's main efforts under the JFK Act were to ensure that the State Department had inventoried all files of the top State Department

officials who would have had some official involvement with the investigation of the assassination, including Secretary of State Dean Rusk, Under Secretary George Ball, Deputy Undersecretary Alexis Johnson, Ambassador Thompson, Ambassador Thomas Mann, and certain other State Department officials. *See* April 21, 1997 Review Board Letter to the State Department. The State Department was very cooperative in making available to the Review Board manifests for these archive records and, in many cases, the files of these officials were transferred to the National Archives pursuant to the declassification requirements specified in Executive Order 12958. *See* August 7, August 20, 1997, and January 15, 1998 State Department Letters to the Review Board. In view of the State Department's representations regarding its declassification efforts under the Executive Order, the Review Board determined that a further detailed review of these records for assassination-related materials was not necessary. *See* December 29, 1997 and January 15, 1998 Review Board Staff Memoranda.

Department of Justice. The Review Board considered Department of Justice records to be of significance under the JFK Act. The Review

Board worked separately with each of the relevant divisions of the Department of Justice to identify and release records under the JFK Act. Accordingly, the Review Board worked with the Office of Information & Privacy (“OIP”), responsible for so-called “leadership offices,” the Criminal Division, the Civil Division, the Civil Rights Division, and the Office of Legal Counsel. The work of each Division is summarized below.

OIP. This office is responsible for records of the “leadership offices” of the Department of Justice, including records of the Attorney General, Deputy Attorney General, and Associate Attorney General. In addition, OIP is responsible for handling FOIA requests and appeals directed against all entities within the Department of Justice.

After passage of the JFK Act, OIP had identified materials relating to FOIA litigation over records relating to the JFK assassination, and these materials were placed in the JFK Collection. *See* October 31, 1995 OIP Letter [re-check letter]. OIP also located and designated as assassination records the following: (1) certain files of Robert Keuch, who was DOJ’s liaison to the

HSCA; (2) a file of Attorney General Edward Levi (entitled, "FBI/JFK Assassination Investigation"); (3) a file of Attorney General William Barr; (4) files from DOJ's Office of Public Affairs; (5) documents from DOJ's Departmental Review Committee involving administrative appeals of FOIA requests; and (6) an historical file containing documents from "leadership offices" and that have been the subject of FOIA litigation. *See* OIP Initial Statement of Compliance (dated February 20, 1997); March 31, 1997 Review Board Letter to OIP.

The Review Board raised with OIP the issue of whether there were any separately maintained files for Attorneys General Robert F. Kennedy, Nicholas Katzenbach, and Ramsey Clark in view of their positions and respective involvement with investigations of the assassination. *See* December 10, 1996 and March 31, 1997 Review Board Letters to OIP. OIP reported that records of the Attorney General and Deputy Attorney General were not maintained in a separate file system until 1975 under Attorney General Edward Levi. *See* OIP Initial Statement of Compliance. Two archivists for the Department of Justice also confirmed that distinct files

for the Office of Attorney General were not archived prior to 1975 and that there were no separately maintained files for Messrs. Kennedy, Katzenbach, and Clark (any such files were most likely to be at a Presidential Library). *See* March 31, 1997 Review Board Letter.

With respect to Attorney General files post-dating 1975, the Review Board sought to inspect the files of Attorney Generals Edward Levi and Griffin Bell for any materials relating to the Kennedy assassination investigations of the Church Committee and the HSCA. OIP made their original files available for review and additional assassination records were designated. The designated files related mostly to DOJ's work with the HSCA and the Church Committee. *See* Oct. 8, 1997 Review Board Staff Memorandum; October 9, 1997 Review Board Letter to OIP.

Criminal Division. After passage of the JFK Act, the Criminal Division placed into the JFK Collection its official files relating to the Kennedy assassination, including its main file on the assassination (DOJ File No. 129-11) and its file on FBI handling of the assassination investigation (DOJ File No. 51-16-1113).

After surveying the materials that the Criminal Division had identified, the Review Board requested that the Division make available certain additional files. For example, the Review Board requested that the Criminal Division make available all files separately maintained by Herbert J. Miller, Jr., Assistant Attorney General for the Criminal Division at the time of the assassination. (Mr. Miller was designated as DOJ's "liaison" to the Warren Commission. *See* February 24, 1964 Memorandum of Mr. Miller). The Review Board also sought the files of J. Walter Yeagley, Assistant Attorney General for the Internal Security Division, to determine whether he (or his office) had any pre-asssination records relating to Oswald. *See* December 11, 1996 Review Board Letter to the Criminal Division. The Criminal Division represented that that no discrete files were maintained for Messrs. Miller³ and Yeagley. *See* Criminal Division Initial Statement of Compliance (dated January 29, 1997).⁴

³ Mr. Miller was later subpoenaed, and he had retained numerous records from his tenure as Assistant Attorney General for the Criminal Division.

⁴ The Division reported to the Review Board that "[p]rior to 1988 . . . separate alphabetical subject files and chronological files for correspondence, memoranda, and other working papers were not retained for Assistant Attorneys General for the Criminal Division." Criminal

The Review Board also sought to inspect the Criminal Division's extensive files on certain organized crime figures in view of various assertions that organized crime was involved in the assassination of President Kennedy. The Review Board therefore requested organized crime files on individuals who were alleged to have had involvement in the assassination, who were associated in some manner with Jack Ruby, or who had made claims of organized crime involvement in the assassination. *See* April 8, 1997 Review Board Letter to the Criminal Division. These files were reviewed by the Review Board staff, and specific materials were designated as assassination records. *See* November 24 and December 22, 1997 Review Board Letters to the Criminal Division; June 18, 1998 Review Board Staff Memorandum. Among the materials designated were records relating to allegations by individuals (already public) that James Hoffa had threatened the life of Robert F. Kennedy and that Hoffa had been involved in the assassination of President Kennedy. *See* November 24, 1997 Review Board Letter.

In addition to the organized crime records, the Review Board requested that the Criminal Division undertake a further search for internal security records that might relate to Oswald, records relating to the Jim Garrison investigation, and records relating to the Criminal Division's review of the HSCA's acoustical findings. *See* December 11, 1997 Review Board Letter to the Criminal Division. As a result of this request, additional original files were made available by the Criminal Division for inspection by the Review Board, and certain materials were designated as relating to the assassination. They included records on the Fair Play for Cuba Committee ("FPCC"), Vincent T. Lee (President of the FPCC), Yuri Nosenko, George DeMohrenschildt, and Major General Edwin Walker. *See* May 11, 1998 Review Board Letter to Criminal Division. No further records were located specifically on Oswald except some copies of miscellaneous letters of the Oswalds to and from the Soviet Union. *See id.* No further materials were located regarding the HSCA acoustical study that was re-examined by the National Academy of Sciences operating at the behest of DOJ.⁵ *See id.*

⁵ The Criminal Division had earlier confirmed that documents on this topic were being processed under the JFK Act. *See* Criminal Division Initial Statement of Compliance, at 11-12.

A file relating to Jim Garrison was identified (DOJ File No. 82-32-90), but the Criminal Division could not physically locate it. *See id.* The Review Board does not know what this file comprises.

Civil Division. In 1993, the Civil Division transferred to the National Archives a small collection of documents that had been discovered among the secured files of the Director for the Federal Programs Branch. This collection of materials included pictures of the President's clothing after the assassination, documents relating to the autopsy, and memoranda relating to the availability of Warren Commission materials. *See* Civil Division Initial statement of Compliance (dated January 21, 1997). Aside from these materials, no other assassination-related records had been placed in the JFK Collection.

The Civil Division defends Federal agencies in suits arising under the Freedom of Information Act ("FOIA"), including FOIA suits involving requests for Government records on the Kennedy assassination. Accordingly, the Review Board requested that the Civil Division release,

under the JFK Act, its FOIA litigation case files relating to FOIA suits for JFK assassination records. *See* February 28, 1997 and December 1, 1997 Review Board Letters to the Civil Division. Initially, the Civil Division took the position that FOIA litigation files on JFK assassination records need not be reviewed or released under the JFK Act. *See* July 1, 1997 Civil Division Letter to the Review Board. However, the Review Board prevailed upon the Civil Division to release these FOIA files under the JFK Act. The various JFK-related FOIA cases to be released were identified to the Civil Division by the Review Board (*see* December 1, 1997 and March 6, 1998 Review Board Letters).⁶ Additional records identified by the Civil Division were a litigation file in which Marina Oswald sued the United States to recover compensation for the Government's taking of Lee Oswald's rifle (but the file was destroyed in 1991) and a file relating to Yuri Nosenko's appearance before the HSCA. *See* Civil Division Initial Statement of Compliance; July 1, 1997 Civil Division Letter; March 6, 1998 Review Board Letter [cite Final Declaration].

⁶ For a description of some of the major FOIA files, see March 6, 1998 Review Board Staff Memorandum.

Civil Rights Division. The Civil Rights Division located one major file under the JFK Act -- a file relating to civil rights complaints made against New Orleans District Attorney Jim Garrison (DOJ File No. 144-32-1220). See Civil Rights Division Final Declaration of Compliance (dated July 2, 1997).

Office of Legal Counsel. The Office of Legal Counsel collected documents spanning from 1963 to the 1970's and pertaining to legal aspects of the assassination, including legal issues involved in the start-up of the Warren Commission, public access to Warren Commission evidence, proposed legislation making Presidential assassination a federal crime, and responses to public inquiries about the assassination. See December 13, 1996 Review Board Letter to OLC; October 27, 1997 OLC Letter to National Archives.

Department of Treasury. The Review Board worked with various components of the Department of Treasury, including Main Treasury (*i.e.*,

the Office of the Secretary), Secret Service (discussed above), the Internal Revenue Service (“IRS”), the Customs Service, and the Bureau of Alcohol, Tobacco & Firearms (“ATF”).

Main Treasury. After passage of the JFK Act, main Treasury had not identified any assassination records. *See* Main Treasury Initial Statement of Compliance (dated February 6, 1997). In 1995, the Review Board specifically requested that Main Treasury review its holdings to identify any records relating to the assassination, including records of C. Douglas Dillon, Treasury secretary at the time of the assassination and Warren Commission investigation. *See* May 24, 1995 Review Board Letter to Main Treasury. In the Summer of 1995, the Review Board staff independently identified numerous Treasury archive records to be reviewed, and these were made fully available. *See* Main Treasury Initial Statement of Compliance. As a result of its review, the Review Board staff identified files of J. Robert McBrien relating to his work as Treasury’s liaison to the HSCA and Church Committee. *See* Dec. 19, 1996 Review Board Letter to Main Treasury.

The Review Board, however, requested a fuller accounting for the files of high-level Treasury officials who would have had involvement in the JFK assassination investigation, particularly in light of the fact that Secret Service was under Treasury and ultimately reported to Secretary Dillon. Accordingly, the Review Board asked for an accounting of the files of Secretary Dillon, Special Assistant to the Secretary Robert Carswell, General Counsel G. D'Andelot Belin, and Secretary John Connally. In addition, the Review Board sought any files relating to President Johnson's Committee on the Warren Commission (headed by Secretary Dillon) and files on investigative work that Treasury undertook for the Warren Commission. *See id.*

The Review Board staff in 1997-98 continued to review additional Treasury files, including files at the National Archives. No other assassination-related records were identified except some records of Treasury's General Counsel relating to the Warren Commission investigation, as well as some miscellaneous records for Secretary Dillon. *See* September 30, 1997 Review Board Letter to Main Treasury; *see also* Review Board staff memoranda dated

Sept. 18, 1995, May 29, 1997, Nov. 5, 1997, and Jan. 23, 1998 (summarizing Review Board inspection of Treasury records at the National Archives).

ATF. ATF had not located any assassination records as a result of its early searches conducted after passage of the JFK Act. *See* ATF Final Declaration of Compliance (dated Nov. 7, 1997). The Review Board requested that ATF undertake to search its holdings for records from the 1963-64 period relating to ATF's assistance in the investigation of the JFK assassination, as well as its records from the late 1970's relating to its work for the HSCA. The Review Board specifically requested that ATF check for records from the ATF Field Office in Dallas, as well as records for the ATF Director and ATF Chief Counsel. *See* Nov. 1, 1996 and Febr. 20, 1997 Review Board Letters to ATF.

ATF was fully cooperative and documented its search efforts in detail and under oath. However, ATF located only a handful of records relating to its work with the HSCA. *See* ATF Final Declaration of Compliance; Nov. 4, 1997 Review Board Letter to ATF.

One factor that may have explained the inability of ATF to locate any relevant records from the 1960's was the fact that ATF was not created as an independent entity until 1972. Before then, it was a component of the IRS. *See* ATF Final Declaration of Compliance. The Review Board therefore requested that IRS determine whether it had any pre-1972 ATF records relating to the assassination. *See* Nov. 5, 1997 Review Board Letter to IRS. No such ATF records were located.

Customs Service. After passage of the JFK Act, Customs conducted a search of its Washington, D.C. headquarters files through computerized searches, as well as extensive review of its archival files with the assistance of Review Board staff. In addition, Customs field offices were instructed to search for assassination records. As a result, Customs did identify a modest number of assassination records. *See* Customs Service Final Declaration of Compliance (dated June 30, 1997).

Given the extensive searches, including particularly the Review Board's

participation in the selection and review of archival files, the Review Board requested only some limited additional searches by Customs. In particular, the Review Board asked that Customs have its Dallas field office re-check for any relevant files. That was done, but no additional materials were identified. *See id.*

Internal Revenue Service. The issue of IRS identification and release of assassination-related records in its custody has been a difficult one in view of the JFK Act's explicit provision that tax-related records continue to be exempt from public disclosure under Section 6103 of the IRS Code. *See* JFK Act § 11(a). Accordingly, while the Review Board recognized and adhered to this provision, it believes that significant assassination-related records of the IRS, particularly those relating to Lee Harvey Oswald, were precluded from release under the JFK Act.

Notwithstanding Section 6103, the Review Board requested that IRS, at a minimum, collect and identify all records it had relating to the assassination. In 1994, IRS reported that it had identified, pursuant to the JFK Act,

approximately 50 documents. *See* July 14, 1994 Treasury Letter to Review Board. These documents apparently related to a tax proceeding involving Jack Ruby's estate. *See* Jan. 27, 1997 Review Board Staff Memorandum. At the time, no further work was undertaken by IRS to release these documents or to identify any other records under the JFK Act.

In late 1996, the Review Board sought to clarify what IRS had done to locate additional records relating to the assassination and what it intended to release in light of Section 6103. *See* Dec. 13, 1996 Review Board Letter to IRS. In addition, the Review Board sought to inspect the assassination records that had been (or might be) collected by IRS, including original tax returns of Lee Harvey Oswald, and records relating to IRS work with the Warren Commission, the HSCA, or other investigations of the JFK assassination. The Review Board sought to ascertain the status and anticipated treatment of such records by IRS under the JFK Act. *See* Dec. 16, 1996 Review Board Letter to IRS. Even though such records might not be releasable to the public under Section 6103, the Review Board asserted that it had the legal right, under the JFK Act, to confidentially inspect all IRS assassination

records. However, assassination records collected by IRS were not made available for our inspection. Only a year later did IRS affirm the Review Board's legal authority to inspect IRS assassination records. *See* April 30, 1998 IRS Letter to the Review Board (enclosing legal opinion).

In early 1998, the Review Board requested that IRS formally document its actions and compliance under the JFK Act. The Review Board requested that IRS affirmatively search for certain categories of records that might relate to the assassination and that IRS specifically identify any such records that it believed could not be released under Section 6103. *See* Jan. 28, 1998 Review Board Letter to IRS. The Review Board also requested that IRS review the tax-related records in the Warren Commission and HSCA holdings and determine which records could be released consistent with Section 6103.

The Review Board also requested that IRS search for specific categories of records, including ATF records relating to the assassination investigation (ATF was part of IRS before 1972), records relating to Oswald and his

employers, files of top IRS officials for the 1962-64 period, files relating to the Warren Commission or HSCA, and records relating to other individuals or groups associated with events of the assassination or its aftermath. *See* Nov. 5, 1997 and March 12, 1998 Review Board Letters to IRS.

[Final Status/Garrison Records/Final Declaration]

The Review Board regrets that Oswald's original tax returns, and other tax-related information in the Warren Commission files, remain closed to the public as of the date of this Report.

National Security Council. The National Security Council did not initially do any work under the JFK Act following its passage. In 1997, the Review Board contacted the NSC to ascertain whether it might have any records that would be relevant under the JFK Act. The NSC was fully cooperative in identifying and making available the records within its custody and control. NSC provided the Review Board with various inventories to records held off-site by NSC. NSC also made available

certain records from its vault facilities in the Old Executive Office Building. NSC and Review Board staff worked together to designate those records to be processed as assassination-related under the JFK Act. *See* NSC Final Declaration of Compliance (dated April 30, 1998). Among the records that were designated were [Check with Michelle/Bob].

President's Foreign Intelligence Advisory Board. In early 1997, the Review Board requested that the President's Foreign Intelligence Advisory Board ("PFIAB") make available any 1963-64 records that might relate to the Kennedy assassination. PFIAB did agree to make available for the Review Board's inspection microfilm of the agenda and minutes of PFIAB meetings held in 1963 and 1964. Certain excerpts were designated as assassination records by the Review Board. However, PFIAB took the position that its records were exempt from disclosure under the JFK Act and were not sufficiently related to the assassination [Review w/Michelle].

Immigration & Naturalization Service. In 1993, the Immigration & Naturalization Service ("INS") conducted a records search in response to passage

of the JFK Act. *See* INS Initial Statement of Compliance (dated January 15, 1997). While INS had identified records under the JFK Act, none had been transferred to the National Archives until late 1996. The major records located by INS were files on Lee Harvey Oswald, Marina Oswald, and other individuals associated with events of the assassination, including David Ferrie, George DeMohrenschildt, Frank Sturgis, Sylvia Odio, Orest Pena, Luisa Calderon, and Nofio Pecora. *See* January 9, 1997 INS Letter to Review Board Letter. INS also disclosed that it had on microfilm the passenger manifest for the Maasdam, the vessel arriving in New York City on June 13, 1962 with Lee Harvey Oswald and his family. *See* March 18, 1997 Letter from Review Board to INS. [Other Documents]. In late 1997, INS discovered, in its investigative section, that it had an extensive working file on Marina Oswald that contained 1963-64 records directly relating to the assassination. *See* November 10, 1997 Review Board Letter to INS. INS confirmed that all identified assassination records were transmitted to the JFK Collection at the National Archives. [cite Final Declaration]

Office of the Secretary of Defense. The Office of the Secretary of Defense (“OSD”) had not identified any assassination records after passage of the JFK Act [verify]. In October 1995, the Review Board staff met with various the

Department of Defense officials and identified topics and record categories to be searched for under the JFK Act. *See* October 25, 1995 Review Board Letter to the Department of Defense. As a result, offices under the Secretary of Defense were instructed to search for assassination records and, in addition, OSD's archival records were searched. Miscellaneous records were thereafter identified from the Secretary of Defense official correspondence files, including records on Cuba and correspondence with the HSCA. *See* July 25, 1997 Review Board Letter to the Department of Defense. In 1997, the Review Board staff again met with officials from OSD and emphasized the importance of identifying and reviewing records for Secretary of Defense McNamara, who had executed an affidavit for the Warren Commission stating that Oswald was not an informant or intelligence agent for the U.S. military; files of the OSD General Counsel who had "serve[d] as the liaison with the [Warren] Commission for the Department of Defense" (*see* Letter from OSD General Counsel to Earl Warren (apparently dated Jan. 8, 1964); and OSD files relating to its extensive work with the HSCA. *See* July 25, 1997 Review Board Letter.

The OSD was highly diligent in attempting to address the records issues raised by the Review Board. Secretary McNamara's files were searched and inventories of those records were forwarded to the Review Board. In addition, a detailed

inventory of additional records of Secretary McNamara at the National Archives was also provided. From among the McNamara records at the National Archives, the Review Board identified a file relating to Operation Mongoose, which was subsequently opened [verify]. Additional records relating to the Warren Commission were located from among the General Counsel's files and additional records relating to the HSCA were located among Secretary of Defense Harold Brown's files. *See* OSD Final Declaration of Compliance (dated May 21, 1998).

Defense Intelligence Agency. In 1993, DIA forwarded to the National Archives approximately one box of materials for the JFK Collection consisting mostly of correspondence with the HSCA. After meeting with DIA in early 1997, it became apparent that DIA had not reviewed all of its relevant archive holdings and that DIA needed to review its records from the 1963-64 time period. *See* February 6, 1997 Review Board Letter to DIA. The Review Board specifically requested that DIA search for records regarding specific areas, including records relating to the activities of military attaches in Moscow from 1956 to 1964, records relating to the affidavit that Secretary of Defense McNamara submitted to the Warren Commission representing that Oswald was not an intelligence agent for the military, Operation Mongoose, intelligence on Cuban agents in the United States, military defectors, and other subjects. *See* May 14, 1997 Review Board

Memorandum to DIA, and July 2 and July 11, 1997 Review Board Letters to DIA. After a further review of its archive records, DIA did identify additional assassination-related documents, including on those subjects identified by the Review Board. *See* DIA Final Declaration of Compliance (dated April 10, 1998).

Department of the Army. In response to the JFK Act, the Army conducted in 1993 an “Army-wide canvassing for relevant records.” *See* Army Initial Statement of Compliance (dated June 18, 1997). Another canvassing of records was done in 1997. *See id.* As a result, the Army identified various assassination records, including: material relating to ballistics research performed by the Army in connection with the assassination; 1965 notes of Pierre Finck, the Army pathologist who participated in the Kennedy autopsy; records of the Army Corps of Engineers relating to the design and construction of the Kennedy gravesite; materials relating to the polygraph examination of Jack Ruby from the Defense Polygraph Institute at Fort McClellan, Alabama; records on Cuba from the files of Joseph Califano, in his capacity as Assistant to the Secretary of the Army in the Kennedy administration; and Army intelligence files on various individuals connected with the Kennedy assassination story. In addition, the Army made available microfilm records of the Pentagon Telecommunications Agency, and

certain documents from the 1963-64 period were identified as assassination records. *See id.*; *see also* December 3, 1997 Review Board Letter to the Army.

In late 1997, the Review Board staff requested that the Army identify for review under the JFK Act certain additional, discrete record groups. We asked the Army to locate the 1963-64 files for top Army officials, including the Secretary of the Army, the Chief of Staff for the Army, the Assistant Chief of Staff for Intelligence, the Assistant Chief of Staff for Operations and Plans, and top officials of the U.S. Army Intelligence and Security Command. Additionally, the Review Board asked the Army to locate any discrete records on various subjects, including intelligence relating to Cuba and the Soviet Union for the 1963-64 period, Operation Mongoose, Oswald's defection to the Soviet Union, domestic surveillance by the Army of any groups with which Oswald had been associated, and files relating to work that the Army may have undertaken in connection with the HSCA's investigation. *See* December 3, 1997 Review Board Letter. The Army, however, did not follow up in locating the record groups we had requested. *See* April 24, 1998 Review Board Letter to the Army.

As part of ensuring the Army's compliance with the JFK Act, the Review Board staff worked directly with certain components of the Army -- the Army's Central Security Facility ("CSF"), which maintains Army intelligence records, and the

Armed Forces Institute of Pathology (“AFIP”). The CSF oversees the Investigative Records Repository (“IRR”), which is the custodian for various Army intelligence investigative files. IRR has released several intelligence files, including the files of Gerald P. Hemming and anti-Castro activists. *See* IRR Final Declaration of Compliance (dated August 1, 1997). IRR was highly cooperative in determining whether it had any files on numerous other individuals associated with events of the assassination and, in many cases, confirmed that it had no files for the names submitted. *See id.*; *see also* February 4, 1997 Review Board Letter to CSF. The Review Board requested CSF to determine whether it had any office or work files for certain Army intelligence officials located in the Dallas area in 1963-64, and CSF stated that it had no such files. *Id.* In addition, the Review Board requested that CSF provide any additional information or documentation with respect to an Army intelligence dossier maintained on Oswald but destroyed in 1973 as part of a program to purge domestic surveillance files. *See* February 4, 1997 Review Board Letter. No new information was obtained beyond that developed previously by the HSCA. *See* IRR Final Declaration; HSCA Report, at 221-24.

The Review Board also worked directly with AFIP. As with the National Naval Medical Center in Bethesda, Maryland, the Review Board sought to identify any

records from AFIP that might relate to the autopsy of President Kennedy (Lt. Col. Pierre Finck, one of the autopsy doctors, was Chief of the Wound Ballistics Branch of AFIP at the time). AFIP located some materials of Dr. Finck, including a 1965 report regarding the autopsy and a 1969 memorandum regarding his testimony at the Clay Shaw trial. See AFIP Final Declaration of Compliance (dated June 12, 1997). The Review Board asked AFIP to check for any 1963-64 files of top AFIP officials, but none were located. See March 18, 1997 Review Board Letter to AFIP; AFIP Final Declaration. AFIP did locate an oral history interview with Dr. Robert F. Karnei, Jr., in which he briefly discusses his role at the JFK autopsy.

Department of the Navy. Files of the Department of the Navy were considered essential in view of Oswald's tenure with the Marines, which is administratively a part of Navy. Under the JFK Act, the Navy had identified and placed into the JFK Collection at the National Archives several core files relating to Lee Harvey Oswald -- (1) the personnel and medical Marine Corps files for Oswald and (2) extensive Office of Naval Intelligence ("ONI") records on Oswald. In addition, the Navy had located some miscellaneous documents relating to the Warren Commission and HSCA from files of the Administrative Office for the Secretary of the Navy. The Marines Corps and ONI files on Oswald made public were obviously an important contribution to the historical record.

Notwithstanding the identification of these core materials, the Review Board requested that the Navy inspect additional record categories to ensure that all relevant materials had been identified. For example, the Review Board asked the Navy to inspect the files of the highest officials of the Marine Corps, Office of Naval Intelligence, and the Navy for the relevant time periods encompassing Oswald's defection to the Soviet Union through the aftermath of the assassination.

See January 17, 1997 Review Board Letter to the Navy. The Navy appeared to undertake an extensive review of files, including a review of files from the Secretary of the Navy's Administrative Office, the Chief of Naval Operations, and the Marine Corps. *See* Navy's Final Declaration of Compliance (dated December 3, 1997). It was not clear, however, whether the Navy had identified all original working files for the Secretary of the Navy and the Commandant of the Marine Corps for the 1959-64 period. With limited time and resources, however, the Review Board was unable to pursue this issue further. The Navy did confirm, however, that it did not locate the files for the Chief of Naval Intelligence. *See id.*

In view of the fact that there were ONI records on Oswald (now placed in the JFK Collection), the Review Board thought it necessary to pursue the issue of ONI records, including files for the head of ONI, with the staff of ONI directly.

Accordingly, we requested that ONI submit a separate certification of its compliance with the JFK Act. *See* April 24, 1998 Review Board Letter to ONI. ONI's Final Declaration of Compliance was submitted shortly thereafter (*see* ONI Final Declaration of Compliance dated May 18, 1998). ONI had not identified any additional assassination-related records and, furthermore, had not been able to account for the files of the head of ONI from 1959 to 1964. ONI also acknowledged that there remained additional ONI records that were not reviewed, but that would be reviewed under the President's Executive Order 12958 requiring declassification of Government records. *See id.* The Review Board was disappointed that Navy and ONI could not provide any accounting for the ONI Director's files from 1959-64.

National Naval Medical Center at Bethesda. The Review Board separately pursued with the National Naval Medical Center at Bethesda, Maryland ("NNMC") records relating to the autopsy of President Kennedy. The NNMC was highly cooperative and did extensive searches, but it located no records relating to the autopsy with one exception -- an unsigned (and apparently retyped) copy of the JFK autopsy report was located in a safe at the NNMC's Anatomic Pathology Division. The NNMC had also located some FOIA requests relating to autopsy records, and those were appended to its Final Declaration of Compliance. *See*

NNMC Final Declaration of Compliance (dated June 27, 1997). The Review Board thereafter asked the NNMC to re-check whether it had any 1963-64 files for the top officials of the NNMC, including Commanders Humes and Boswell, the Naval pathologists who participated in the autopsy. *See* November 10, 1997 Review Board Letter to the NNMC. The NNMC re-certified that it had no such files. *See* December 23, 1997 NNMC Supplemental Declaration of Compliance.

Department of the Air Force. After passage of the JFK Act, the Air Force located one record -- a flight logbook located at Andrews Air Force Base and recording events at the base on the day of the assassination. No other records were identified. *See* Air Force Initial Statement of Compliance (dated January 14, 1997). The Review Board thereafter raised with the Air Force the issue of whether there might not be other records relating to the assassination in its custody. More specifically, the Review Board asked the Air Force to: identify and review the 1963-64 files for the highest officials in the Air Force, including the Secretary of the Air Force and the chief of Staff for the Air Force; more thoroughly review the files of the Office of Special Investigations for any material relating to Oswald; and determine whether there were any records relating to Air Force 1 on the day of the assassination, including specifically searching for any audiotapes of transmissions to or from Air Force 1 on the day of the assassination. *See* February

21, 1997 Review Board Letter to the Air Force. The Air Force went back and searched its records, but no additional records were forwarded to the JFK Collection. *See* Air Force Final Declaration of Compliance (dated November 21, 1997). The Review Board requested that a further accounting be made of its records, including records for the Air Force's Office of Presidential Pilot and Historical Research Agency at Maxwell Air Force Base in Alabama. *See* March 9, 1998 Review Board Letter to the Air Force. The Air Force did not follow-up on the Review Board's requests. [*See* August 3, 1998 Review Board Letter to the Air Force].

Joint Staff. The Review Board pursued records of the Joint Chiefs of Staff, including records relating to policies on Cuba and Vietnam. While the Joint Staff identified only a handful of documents directly relating to the assassination, the Joint Staff identified for release under the JFK Act numerous records relating to U.S. policy on Cuba and, to a lesser extent, Vietnam. The Joint Staff was extremely cooperative in making available to the Review Board its original records. For example, the Joint Staff permitted the Review Board to inspect extensive original files of the Joint Chiefs of Staff from the early 1960's, including files of Joint Chiefs Chairmen Lyman L. Lemnitzer, Maxwell Taylor, and Earle G. Wheeler.

After review of these records, the Joint Staff designated for public release records on Vietnam and Cuba, including records from 1962 and 1963 pertaining to military contingency planning on Cuba. In addition, in response to a Review Board request, the Joint Staff made available a classified, three-volume Joint Chiefs of Staff history on the Vietnam War from 1960-68. [The Joint Staff agreed to declassify this history -- verify].

In the course of identifying relevant records, the Review Board learned that minutes (and/or transcripts) of meetings of the Joint Chiefs of Staff from 1947 to 1978 had been destroyed. Since these encompassed meetings in 1963 and 1964 which might have been relevant to the assassination, the Review Board requested an accounting of this destruction. *See* January 2, 1997 Review Board Letter to the Joint Staff. The Joint Staff explained that these materials had been ordered destroyed in 1974 by the Secretary for the Joint Chiefs of Staff. *See* Joint Staff Final Declaration of Compliance (dated November 13, 1997) [verify].

White House Communications Agency. The Review Board sought to determine whether the White House Communications Agency ("WHCA") had any archived records from the 1963-64 period relating to the assassination.

Based on the Review Board's approach to WHCA (*see* Febr. 28, 1997 Review Board Letter to WHCA), WHCA located and placed into the JFK Collection an historical file that contained statements of WHCA personnel regarding events on the day of the assassination and, in addition, a WHCA memorandum providing a "list of telephone calls recorded by the White House switchboard on 22 November 1963." *See* April 1, 1997 WHCA Letter to Review Board.

The Review Board further requested WHCA, however, to undertake a broad search for any records reflecting White House communications regarding the assassination, including any communications to or from Air Force 1 on the day of the assassination. *See* March 19, 1997 Review Board Letter to WHCA. WHCA reported that it had located nothing else, and we then requested that WHCA certify, under penalty of perjury, that it had no other records relevant to the assassination. *See* April 21, 1997 Review Board Letter to WHCA. As requested, WHCA certified under oath that it had no records from the 1963-64 time period nor any records relating to their disposition. *See* WHCA Final Declaration of Compliance (dated April 22, 1998). While accepting WHCA's representations, the Review Board was disappointed that no meaningful accounting was provided for WHCA records from 1963-64. *See* June 2, 1998 Review Board Letter to WHCA.

U.S. Postal Service. The Postal Service located an original file on the Kennedy assassination investigation composed of Postal Service investigative reports regarding the assassination. These were located among the archived files for the Chief Postal Inspector. The Review Board suggested some additional search avenues (*see* March 18, 1997 Review Board Letter to Postal Service), and the Postal service was diligent in following those suggestions, but no other records were uncovered. *See* Postal Service Final Declaration of Compliance (dated July 7, 1997).

Social Security Administration. In early 1997, Review Board staff met with officials of the Social Security Administration (“SSA”) to discuss what records SSA might have that would be relevant to the assassination. The Review Board requested that SSA assemble all earnings-related records that it might have for Lee Harvey Oswald and Jack Ruby, certain quarterly reports filed by Oswald’s employers (to verify Oswald’s employment history and income), and the original file opened for Marina Oswald’s claim for survivor benefits. *See* Jan. 22, 1997 Review Board Letter to SSA.

The SSA was extremely diligent in collecting and assembling these records. Some of these records were considered to be protected under Section 6103, but the balance were transmitted to the JFK Collection. With respect to the Section 6103

records, we had requested that they be sequestered by SSA pending later determinations regarding their releasability, and SSA confirmed that this was done.

See July 14, 1997 Review Board Letter to SSA; SSA Final Declaration of Compliance (dated Nov. 18, 1997).

As with Oswald's tax returns, the Review Board regrets that Oswald's earnings information and employment history, as contained in employer reports on file with SSA, have not been released to the public as of the date of this Report.

Drug Enforcement Administration. The Drug Enforcement Administration ("DEA") was cooperative with the Review Board in making available certain files for review. In May 1998, the Review Board asked DEA to formally process certain records as assassination records under the JFK Act. In addition, the Review Board asked for a formal statement of DEA's compliance. *See* May 1, 1998 Review Board Letter to DEA. However, DEA took no steps to formally designate assassination records, nor did it submit a compliance report as requested. [Re-verify]

Library of Congress. In June 1994, the Library of Congress reported to

the Review Board that it had located no records relating to the assassination among the classified records in its Manuscript Division. *See* June 16, 1994 Library of Congress Letter to Review Board. In 1996, the Review Board requested that Library of Congress, including the Congressional Research Service, to undertake efforts to locate any records in its custody that may relate to the assassination. *See* August 13, 1996 Review Board Letters to the Library of Congress and the Congressional Research Service. No action was taken on our request, and another formal request was made in October 1997. *See* October 27, 1997 Review Board Letter to the Library of Congress. In the Fall of 1997, the Review Board inventoried the Library's manuscript holdings and identified closed collections that might potentially have records relating to the assassination of President Kennedy. Among the records identified by the Review Board staff were a set of Rockefeller Commission materials that were closed. The Congressional Research Service deferred compliance with the JFK Act pending explicit Congressional authorization. *See* January 20, 1998 CRS Letter to the Review Board. The Library of Congress, however, filed a formal statement of compliance and identified three sets of closed records that contained assassination related records -- (1) the set of Rockefeller Commission materials closed until March 2, 2002; (2) papers of Senator Daniel Moynihan from his tenure as Assistant Secretary of Labor in the Kennedy administration; and (3) papers of Howard Liebegood, an aide to

Senator Howard Baker, who did some work relating to the assassination for the Senate Intelligence Committee. *See* Library of Congress Final Declaration of Compliance (dated Jan. 22, 1998). The Library also identified relevant collections that were already open to the public, including papers of Earl Warren, David Atlee Phillips, and Elmer Gertz (attorney for Jack Ruby). In addition, the Library had one piece of correspondence from Lee Harvey Oswald written from the Soviet Union. *See id.* Senator Moynihan agreed to open his papers relating to the assassination, [as did Mr. Liebengood -- this needs to be done]. With respect to the Rockefeller Commission papers, the Library of Congress stated that these were duplicates of the Rockefeller Commission file at the Ford Library. The Ford Library set had been reviewed and processed under the JFK Act for assassination records. Therefore, the Review Board did not accord declassification of the Library of Congress set as a high priority. [However, in a memorandum of understanding with the CIA, the CIA has agreed to review and declassify the Rockefeller Commission papers at the Library by the close of 1999 -- we need to decide if this is what we want to do and then memorialize agreement with CIA].

In the Summer of 1998, CRS identified approximately one box of memoranda on the assassination that were prepared by CRS for the HSCA and other entities. These materials were forwarded to the JFK Collection, and CRS submitted its Final Declaration of Compliance. *See* CRS Final Declaration of Compliance (dated

August __, 1998).

National Archives and Presidential Libraries.

National Archives, Washington, D.C. The National Archives has legal and physical custody of numerous U.S. Government records that are transferred to it by Federal agencies. Accordingly, the JFK Act required the National Archives to identify any assassination records that may have been in its legal custody at the time the JFK Act was passed.

After the JFK Act was passed, the National Archives identified three major record categories in its custody -- (1) records of the Warren Commission; (2) the Main Department of Justice Criminal Division file on the Kennedy assassination (DOJ File No. 129-11); and (3) the main Secret Service file on the assassination (Secret Service File No. 34, 030). Many of the records within these files were already open to the public when the JFK Act was passed. *See* National Archives Initial Statement of Compliance (dated July 25, 1997). The National Archives also identified administrative records for the United States Archivist and Deputy Archivist relating to assassination-related materials maintained by the National

Archives, including administrative records relating to the Warren Commission holdings. *See id.* In December 1992, the Assistant Archivist issued a search directive to the staff of the National Archives requesting that any other assassination-related records be identified, and some miscellaneous records were thereafter included in the JFK Collection. *See id.* In addition, the National Archives -- through its Center for Legislative Archives -- opened to the public numerous Congressional records relating to the assassination, including most importantly the records of the House Select Committee on Assassinations (“HSCA”). (For a further discussion of Congressional records opened by congress and the National Archives under the JFK Act, see section on Congressional Records below.)

In April 1998, staffs of the Review Board and the national Archives met to review the status of the National Archives’ identification and release of assassination records. The Review Board asked the National Archives to confirm that there were no other closed records relating to the assassination that might be among classified or closed files of the highest officials of the Kennedy and Johnson administrations, including certain Cabinet Secretaries. *See* May 11, 1998 Review Board Letter to the National Archives.

[Status/NARA Final Declaration]

In addition, the Review Board asked the National Archives to coordinate with the Administrative Office of U.S. Courts to identify and secure for the JFK Collection court case files for various FOIA suits involving the public's request to open up CIA, FBI, and other agency files on the Kennedy assassination. *See* April 13, 1998 Review Board Letter to Administrative Office of U.S. Courts. [Status]

National Archives, Southwest Region. The National Archives had its Southwest regional facility undertake searches pursuant to the JFK Act because it has records for federal agencies in the Dallas, Texas area, among other regions. Among the records identified by the the Southwest Region were: (1) court files from the federal district court in Dallas, Texas with respect to litigation over the rifle used to assassinate President Kennedy (*United States v. 6.5 Mannlicher-Carcano Rifle* and *Marina Oswald Porter v. United States*); (2) court files from litigation brought by Clay Shaw against Jim Garrison in federal district court in New Orleans (*Clay Shaw v. Jim Garrison*); (3) Dallas U.S Attorney files relating to some of the litigation over the Oswald rifle; and (4) records of the criminal proceedings against Jack Ruby obtained from the U.S. Attorney's office in Dallas. *See* Southwest National Archives Final Declaration of Compliance (dated July 10, 1998).

The Southwest Region also identified within its custody various medical equipment from Trauma Room No. 1 at Dallas Parkland Hospital. This equipment was purchased from Dallas County in 1973 when Parkland Hospital was being remodeled, and the equipment was placed in storage by the National Archives at its Southwest Region's facility. *See* National Archives Initial Statement of Compliance. The Review Board saw no need to have this equipment placed in the JFK Collection and deferred to the National Archives' decision to retain it in storage. *See* April 27, 1998 Review Board Letter to National Archives, Southwest Region.⁷

In April 1998, Review Board staff met with officials of the Southwest Region at its facility in Fort Worth, Texas. The Review Board sought to ascertain whether the Southwest Region had legal custody of any 1963-64 records for various law enforcement, intelligence, or military agencies with offices in the Dallas region, including Secret Service, ATF, FBI, and the Office of Naval Intelligence. The

⁷ In addition to records identified by the Southwest Region of the National Archives, the Southeast Region had identified some papers of Senator Richard Russell relating to his work on the Warren Commission. (The National Archives had been providing courtesy storage for these papers on behalf of the University of Georgia). *See* National Archives Initial Statement of Compliance. The relevant papers were forwarded to the JFK Collection. [Confirm Status].

staff of the Southwest Region confirmed that it had no such relevant records. *See* April 3 and 27, 1998 Review Board Letters to the National Archives, Southwest Region; National Archives, Southwest Region, Final Declaration of Compliance.

The Gerald R. Ford Library. The Ford Library had substantial holdings that were relevant under the JFK Act, including files of the President's Commission on CIA Activities within the United States ("the Rockefeller Commission") and papers of former Gerald R. Ford relating to his work on the Warren Commission. *See* National Archives (Ford Library) Initial Statement of Compliance (dated July 25, 1997). The Ford Library first identified assassination records from among materials that were already open to researchers, including records from Gerald Ford's Congressional and Vice-Presidential papers and papers from Ford Administration officials. As a result of these searches, the Ford Library transmitted approximately six cubic feet of records to the JFK Collection in August 1993. *See id.* The Ford Library also searched its unprocessed or closed "national security collections," including the Rockefeller Commission files and files of the National Security Advisor and the Presidential Counsel relating to the various intelligence investigations of the mid-1970's (*i.e.*, Rockefeller Commission and Church Committee investigations). *See id.* The Ford Library reviewed, in all,

240,000 pages from more than 20 different closed or unprocessed collections, and the Library selected approximately 1,400 documents (11,500 pages) for processing under the JFK Act. *See id.*, including Attachment D. Thereafter, the Ford Library worked with the Review Board in having the relevant agencies open up these identified records.

[Check status of Rockefeller Commission dictabelts]

The John F. Kennedy Library. The identification of assassination records within the holdings of the JFK Library presented a challenge to both the Library and the Review Board in view of the extensive material relating to, and originated by, officials within the Kennedy administration. Because of the volume of material, the Board was more concerned with identifying relevant materials that were closed or restricted than it was with materials that were publicly available at the Library (this was true with respect to all the Presidential Libraries). Nonetheless, the Libraries did transfer to the JFK Collection materials that were publicly available at the Library.

At the JFK Library, the Review Board and Library staff concentrated on identifying assassination-related records within closed holdings. The JFK Library

represented that it reviewed its closed or “unprocessed” holdings to identify assassination records. *See* National Archives (JFK Library) Initial Statement of Compliance (dated July 25, 1997). Among the records reviewed were President Kennedy’s National Security files and Office files. The Library staff had also reviewed material made available to investigative bodies in the 1970’s such as the Church Committee. *See id.* In addition, the Review Board staff, with the Library, reviewed the classified Attorney General files of Robert F. Kennedy.

In addition, the Library reviewed numerous record collections from Kennedy administration officials, as well as numerous oral history interviews of such officials. Many of these were designated as assassination records.

There were several record collections that were of particular interest to the Board. For example, William Manchester had deposited with the Library the underlying research materials for his book, *The Death of a President*. They remained in his legal custody, however. The Review Board, although it was able to inspect the materials, was unable to secure their public release despite appeals to Mr. Manchester to open up these records, which included interviews with many of the principals involved in the events that surrounded the assassination and the investigation afterward. In addition, Mr. Manchester interviewed, for his book, both Robert F. Kennedy and Jacqueline Kennedy. The audio tapes and transcripts were donated to the JFK Library in 1967, but under the condition that

they remain sealed until 2067. The Review Board approached the Kennedy family about the possibility of an earlier release. [status of approach to Kennedy family]

Another set of records of interest to the Board were the records of Walter Sheridan, who had worked in the Department of Justice under Robert F. Kennedy and who later did work for NBC investigating the Garrison criminal case brought against Clay Shaw. After the JFK Act was passed, the JFK Library returned certain papers back to the Sheridan family. These papers related to Mr. Sheridan's work for NBC and were later subpoenaed by the Review Board. NBC intervened, asserting an interest in the papers and claiming a reporter's privilege in them that would preclude inspection by the Review Board. [Update status]

The Review Board was concerned about the adequacy of the Library's searches for assassination records, as well as issues relating to release of records. For example, the records designated among Robert Kennedy's papers were not yet released as of the Summer of 1998. In addition, the Library in 1998 discovered additional records among the Robert Kennedy papers that should have been designated as assassination records. Other records were also belatedly discovered, including additional files of Walter Sheridan.

Therefore, as part of the compliance program, the JFK Library provided a status report regarding its work under the JFK Act to the Board members at their August meeting, and, in addition, a deposition of the relevant JFK Library officials was

conducted. [This will need to be updated]

The Lyndon B. Johnson Library. The LBJ Library has extensive records that were reviewed pursuant to the JFK Act. The Library holds 505 collections of personal papers, 59 bodies of federal records, and 1,227 processed and deeded oral history interviews. See National Archives (LBJ Library) Initial Statement of Compliance (dated July 25, 1997). Even before the JFK Act was passed in 1992, the Library, beginning in 1980, identified and made available materials that it had relating to the assassination of President Kennedy. These materials were identified in a detailed index entitled, "Guide to Materials from the Johnson Library Pertaining to the Assassination of John F. Kennedy." See *id.*, including Attachment F. The records identified on this index were transmitted to the JFK Collection in August 1993. See *id.* The materials transferred to the JFK Collection in 1993 included material on the assassination from the LBJ White House Central files and White House Confidential files, the National Security files, a special file on the Kennedy assassination compiled from various Presidential and Vice-Presidential files and relating to William Manchester's book, *The Death of a President*, President Johnson's daily diary records recording his appointments and phone calls made during the period following the assassination, office files of various White House aides, White House telephone office records, personal papers of Under Secretary of State George Ball, Attorney General Ramsey Clark, and John

Connally, and numerous oral history interviews. *See id.*, at Attachment F. Tapes of President Johnson's conversations relating to the assassination (dating mostly from 1963, 1964, and 1967 [the time of the Garrison investigation and publication of the Manchester book]) were forwarded to the JFK Collection later [doublecheck]. *See id.*

After passage of the JFK Act, the LBJ Library reviewed its closed or unprocessed holdings, including National Security Files and collections of personal papers, to identify additional records relating to the assassination. The additional records identified for release included material from: the personal papers of John Connally; diaries and personal papers of Drew Pearson, who was []; additional oral history interviews; and additional tapes of President Johnson's conversations. *See id.*, including Attachment G. Among the Presidential recordings that were released were tape(s) of President Johnson's conversations with Jacqueline Kennedy shortly after the assassination [THIS HAS TO BE CONFIRMED WITH THE LIBRARY].

In the Spring of 1997, the Review Board staff went to the LBJ Library in Austin, Texas to meet with the Library staff and to possibly identify other materials that should be processed under the JFK Act. As a result of the Review Board staff's

inspection of various LBJ Library records, additional materials were identified for processing under the JFK Act. The staff reviewed the [NEED DESCRIPTION OF FILES REVIEWED] and designated [NEED DESCRIPTION OF MATERIALS DESIGNATED] additional materials to be processed under the JFK Act.

In the Spring of 1997, The Review Board staff conducted a comprehensive review of LBJ Library National Security Files (NSF), closed oral histories thought to be of possible interest to the assassination, and various manuscripts, archives and office files of key officials. The staff identified more than 300 additional assassination records in the following NSF categories: Head of State Correspondence File; Vice Presidential Security File; President's Speech File; Country Files on Vietnam and Southeast Asia; Vietnam Meeting Notes File; Latin America Country Files on Cuba and Mexico; Country Files on Europe and USSR; Intelligence File; National Intelligence Estimates; National Security Action Memoranda; NSC Notes; Agency File - State; FBI Current Intelligence Analysis, McCone Memoranda and Meetings with the President; National Intelligence Estimates on Cuba; Intelligence Briefings on Vietnam and Cuba; White House President's Appointment Files; White House Famous Names; and Cabinet Papers. The

staff identified additional assassination records in the Library's closed collection of office files and/or papers of McGeorge Bundy, Gordon Chase, C.V. Clifton, James Cross Alain Enthoven, Roger Hilsman, Pierre Salinger, Bromley Smith, and William C. Westmoreland. **[Need to check on Salinger].**

The Review Board handled all referrals required to declassify these records. As they were reviewed under the standards of the JFK Act, nearly all of these records were opened in full. In addition, the Review Board staff reviewed the FBI names index, referred to as the Mildred Stegall collection, for possible assassination records. These represent the files which FBI Director Hoover made available to President Johnson. Mildred Stegall kept a card catalogue of the names index to which the Review Board had access to conduct its search. The release of these files is being coordinated with the FBI.

General Services Administration. The General Services Administration ("GSA") did no initial work under the JFK Act. The Review Board approached

GSA in 1997 with respect to whether it might have records relating to the assassination. This approach was made because the National Archives, until 1984, was under the auspices of GSA. Therefore, the Review Board wanted to ensure that GSA did not have records relating to the National Archives' handling of Warren Commission materials and the handling of the JFK autopsy-related photos and x-rays. *See* May 5, 1997 and August 22, 1997 Review Board Letters to GSA. GSA did identify files for the top officials of GSA from the 1960's but these were already at the National Archives and fully available to the public. No closed records relating to the assassination were identified by GSA. *See* GSA Final Declaration of Compliance (dated Jan. 26, 1998); Febr. 23, 1998 Review Board Letter to GSA.

Congressional Records. In addition to Executive Branch records, the Review Board worked with various Congressional Committees, and the National Archives, to ensure disclosure of various Congressional records relating to the assassination. The two most important record groups in this regard were the records of the two Congressional Committees that conducted independent investigations of President Kennedy's assassination --- the Church Committee in 1975-76 and the House Select Committee on Assassinations in 1977-78. In addition, the Review Board sought to ascertain whether there were relevant records

among certain other Congressional Committees.

The House Select Committee on Assassinations. Many of these records, which were in the custody of the National Archives, were opened up following the passage of the JFK Act. The Review Board continued to open up additional records thereafter. [Need to amplify this discussion]

Church Committee. Records of the Church Committee, like the HSCA records, were vitally important. The Review Board made extensive efforts to ensure disclosure of as many of the relevant records as possible. The Church Committee investigated a host of issues involving the performance of the intelligence agencies. While many of these issues did not come within the coverage of the JFK Act, the Committee did investigate the Kennedy assassination, as well as the issue of foreign assassination of political leaders.

After passage of the JFK Act, the Senate Select Committee on Intelligence inventoried the original records of the Church Committee and processed for the JFK Collection approximately 40 boxes of records. The National Archives, however, surveyed those records and concluded that testimony directly relevant to the Kennedy assassination (and cited in the Kennedy assassination report of the Church Committee) was not included in the set of materials released. *See* April 17, 1995 National Archives Letter to the Senate Select Committee on Intelligence (“SSCI”). The SSCI did not explain or rectify this crucial gap in the testimony

that was provided. The Review Board wrote to the SSCI in 1997 and, again, raised the issue of identifying and processing testimony directly relevant to the Church Committee's investigation of the Kennedy assassination, as well as the alleged CIA plots against foreign leaders. *See* Sept. 19, 1997 Review Board Letter to the SSCI. Throughout 1997-98, the SSCI did produce microfilm copies of testimony that had been identified by the National Archives and the Review Board.

This testimony was processed and placed into the JFK Collection. The testimony included officials of the FBI and CIA who worked on the assassination investigation, as well as officials who testified regarding the alleged assassination plots against Fidel Castro. The Review Board remained concerned, however, that the *original hardcopy transcripts* for this testimony, and any accompanying materials, had not been located by the SSCI or otherwise accounted for. The Review Board requested access to inspect all of the original Church Committee files -- amounting to 450 boxes. The SSCI made these materials available, they were inspected by the Review Board staff, and additional materials were designated as assassination records. However, the Hart-Scweiker materials, namely the hardcopy of transcripts of testimony cited in the JFK Assassination Report, were not among the materials. Although microfilm copies of this testimony were made available by the SSCI, neither the Review Board nor the SSCI could account for the originals of a substantial number of transcripts relating to the Kennedy

assassination, and this was and remains an important records issue that should be resolved.

Pike Committee. In 1975, the Pike Committee looked into various issues regarding the intelligence community. The Pike Committee also looked into certain discrete, limited issues regarding the assassination of President Kennedy. The Pike Committee records were under the custody of the House Permanent Select Committee on Intelligence (“HPSCI”). HPSCI identified approximately three boxes of assassination-related records of the Pike Committee and placed them into the JFK Collection. See April 20, 1995 Review Board Staff Memorandum (describing generally the Pike Committee materials in the JFK Collection).

House Judiciary’s Subcommittee on Civil & Constitutional Rights, Chaired by Congressman Don Edwards (“the Edwards Subcommittee”). In 1975 and 1976, the Edwards Subcommittee investigated the FBI’s destruction of a note that Lee Harvey Oswald had left with the Dallas Field Office prior to the assassination of President Kennedy. The Review Board raised with the National Archives (Center for Legislative Archives) the issue of whether they had any original files for this Subcommittee, and the legislative staff could not identify any within its Judiciary Committee holdings. We also asked the Clerk’s Office for the House of

Representatives to assist in locating these records. *See* Oct. 30, 1997 Review Board Letter to Clerk of the House. Unfortunately, no original records for this Subcommittee had been located, although copies of some of these records can be found in the HSCA Collection.

House Government Operation's Subcommittee on Government Information and Individual Rights, Chaired by Congresswoman Bella Abzug ("the Abzug Subcommittee"). In 1975 and 1976, the Abzug subcommittee looked into issues relating to access to Warren Commission records and the destruction of FBI records. It was the Review Board's understanding that these records remained closed pursuant to House Rules. In 1996, and again in 1997, the Review Board sought Congressional authorization to have any assassination-related records within the Abzug Subcommittee files reviewed and released under the JFK Act. *See* Nov. 8, 1996 and Oct. 30, 1997 Review Board Letters to the Clerk of the House of Representatives. After receiving the appropriate Congressional authorization, the Review Board staff inspected the original files of the Abzug Subcommittee and designated various materials for release under the JFK Act. *See* April 7, 1998 Review Board Letter to Center for Legislative Archives, including issues regarding public access to Warren Commission records and regarding destruction of FBI files.

House Committee on Un-American Activities ("HUAC"). During the 1950's

and 1960's, this Committee investigated “un-American” activities of various individuals and groups. In the summer of 1996, the staff of the Center for Legislative Archives (part of the National Archives) did an initial survey of the HUAC files and identified files on Lee Harvey Oswald, Marina Oswald, the Fair Play for Cuba Committee (“FPCC”)(with which Oswald was associated), and Mark Lane (a Warren Commission critic). *See* Aug. 26, 1996 National Archives Memorandum. It was the review board’s understanding that these records were closed for a 50-year period pursuant to House Rules. In November 1996, the Review Board requested that Congress make these records available for inspection by the Review Board to confirm whether the records initially identified by the National Archives staff were assassination records within the meaning of the JFK Act and should be released to the public. *See* Nov. 8, 1996 Review Board Letter to the Clerk of the House of Representatives. The Review Board received no responses and raised the matter again in 1997. *See* Oct. 30, 1997 Review Board Letter to Clerk of the House of Representatives. In January 1998, the Clerk’s Office sought permission from the Judiciary Committee to open up the HUAC files for Review Board inspection. *See* Jan. 27, 1998 Letter from the Clerk of the House of Representatives to the House Judiciary Committee. This authorization was denied, and the Review Board appealed directly to House Judiciary Chairmen Henry Hyde to facilitate the release of assassination-related records within the

HUAC files. *See* March 17, 1998 Letter from Chairmen Hyde to the Clerk of the House; July 15, 1998 Review Board Letter to Chairmen Hyde. The Review Board was then advised that the House Parliamentarian would revisit the issue of whether the JFK Act superseded the House Rule closing the HUAC records for 50 years. The Review Board again appealed to the House that the HUAC records were fully subject to the JFK Act, notwithstanding the 50-year closure rule of the House. *See* Aug. 10, 1998 Review Board Letter to the Clerk of the House of Representatives. [Update when final status resolved].

Other Congressional Records. The Review Board also examined whether certain other Congressional records might have materials relating to the assassination. [McClellan, Kefauver, Senate Internal Security Subcommittee].
