

December 22, 1995

The Honorable Newt Gingrich
Speaker of the House of Representatives
U.S. Capitol
Washington, D.C.

Dear Mr. Speaker:

The President John F. Kennedy Assassination Records Review Act of 1992 (PL 102-526) stated that the Assassination Records Review Board shall report its activities to the leadership of the Congress, relevant Congressional committees, the President of the United States and other relevant agencies of government.

This letter is intended to present a complete picture of the work in which the Review Board has engaged in fiscal year 1995. During the first six months of the year, the Board created its infrastructure -- building a new federal agency from the ground up. In June 1995, the Board began the full-scale review of assassination records and has prepared the way for the efficient and effective review for the future.

The first section of this letter provides background information on the Review Board. Following this introductory section is the information which the Act requires the Review Board to provide: financial, estimated time and volume of assassination records involved in the completion of the Board's work, special problems encountered by the Board, and an appendix containing copies of reports of postponed records.

I.I. Introduction to the Assassination Records Review Board

The Assassination Records Review Board is an independent federal agency created to oversee the identification and release of records related to the assassination of President John F. Kennedy.

The Review Board was established by The President John F. Kennedy Assassination Records Collection Act of 1992 (PL 102-526), and was signed into law by President George Bush. The five

members of the Board were appointed by President Clinton, confirmed by the United States Senate, and sworn in on April 11, 1994.

The law gives the Assassination Records Review Board the mandate and the authority to identify, secure, and make available all records related to the assassination of President Kennedy.

The Board has until October 1, 1996 to fulfill its mandate, plus an additional year at the Board's discretion to complete its responsibilities.

The Review Board Members

The Review Board consists of the following members:

1. John R. Tunheim, Chair; Minnesota Chief Deputy Attorney General.
2. Dr. Henry F. Graff; Professor Emeritus of History at Columbia University.
3. Dr. Kermit L. Hall; Dean, College of Humanities, and Professor of History and Law at The Ohio State University.
4. Dr. William L. Joyce; Associate University Librarian for Rare Books and Special Collections at Princeton University.
5. Dr. Anna K. Nelson; Adjunct Professor of History at The American University.

The Law

The President John F. Kennedy Assassination Records Collection Act was enacted by the Congress and signed into law by President George Bush on October 26, 1992. The law states "All Government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure."

The law mandates that all assassination-related materials be housed in a single collection in the National Archives and Records Administration (NARA).

The Act defines five categories of information for which disclosure may be postponed, including national security, intelligence gathering, and privacy -- provided there is "clear and convincing

evidence" of some harm which outweighs public disclosure.

The law requires all federal agencies to make an initial assessment of whether they possess records relating to the assassination. The agencies themselves will conduct an initial review to determine whether their records may be disclosed immediately or whether disclosure should be postponed. The agencies must then give all records that are not disclosed to the Review Board. The Review Board will then evaluate all agency decisions to postpone the release of records. Once the Board completes its review of an agency's recommendation for postponement, all records, including those that have a postponed release date, will be transferred to NARA. The Act requires that all assassination records must be opened by 2017, with the exception of records certified for continued postponement by the President.

Authority of the Assassination Records Review Board

The Senate report of The President John F. Kennedy Assassination Records Collection Act of 1992 stated that " the underlying principles guiding the legislation are independence, public confidence, efficiency and cost effectiveness." In order to achieve these objectives, the Act gave the Board the specific powers to:

- * direct government offices to provide identification aids and organize assassination records;
- * direct government offices to transmit assassination records to the National Archives;
- * obtain assassination records that have been identified and organized by a Government office;
- * direct government offices to investigate the facts, additional information, records, or testimony from individuals which the Board has reason to believe is required;
- * request the Attorney General to subpoena private persons to compel testimony, records, and other relevant information;
- * require any Government office to account in writing for the destruction of any records relating to the assassination of President Kennedy;
- * receive information from the public regarding the identification and public disclosure of assassination records; and
- * hold hearings, administer oaths, and subpoena witnesses and documents.

Background and Need for the Law

On November 22, 1963, President John F. Kennedy was assassinated while traveling in a motorcade in Dallas, Texas. His tragic death, and the subsequent murder of Lee Harvey Oswald, the President's alleged assassin, led to the creation of The Warren Commission, seven days after the assassination.

Amid continuing public doubts that all of the facts surrounding the assassination had not come to light, the House of Representatives established the House Select Committee on Assassinations in 1976 to reopen the investigation.

In addition to these two major federal investigations devoted to the investigation of the assassination of President Kennedy, three other federal investigatory bodies have dealt with the assassination to some degree. President Ford created The Rockefeller Commission in 1975 to investigate Central Intelligence Agency activities within the United States. Part of the Commission's efforts related to the Kennedy assassination. Also in 1975, Congress created the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the Church Committee) and the House Select Committee on Intelligence (the Pike Committee). Some of the work of these committees was related to the assassination.

Despite these official investigations and with private researchers continuing their efforts, the public was not satisfied that all of their questions about the assassination of President Kennedy had been answered. The result was the passage of The President John F. Kennedy Assassination Records Collection Act of 1992, which included the creation of the Assassination Records Review Board.

II. Financial Report

The chart below details the expenses for all official activities and requirements of the Review Board and its personnel, as required by the Act. The slow start-up resulted in significant savings in FY 1995. These savings are supplementing the fiscal year 1996 appropriation. The projected operating costs for fiscal year 1996 exceed the Board's appropriation by nearly \$300,000.

ASSASSINATION RECORDS REVIEW BOARD FY95 SPENDING

| <i>Object Class</i> | <i>Description</i> | <i>SPENDING</i> |
|---------------------|------------------------|-----------------|
| 11 | Personnel Compensation | 828,114 |

| | | |
|-----|---|----------------|
| 12 | Personnel Benefits | 178,046 |
| 21/ | Travel & Transportation | |
| 110 | Board Travel | 43,814 |
| 111 | Staff Travel | 15,370 |
| 113 | Invitational Travel | 3,200 |
| 117 | Meeting Expenses | 6,050 |
| | SUBTOTAL | 68,434 |
| 23/ | Rent, Communications, Utilities | |
| 370 | Rent | 154,904 |
| 380 | Local Telephone | 7,520 |
| 381 | Long Distance | 2,794 |
| 383 | Postage | 5,101 |
| | SUBTOTAL | 170,319 |
| 24/ | Printing & Reproduction | |
| 410 | GSA/GPO Printing | 4,824 |
| 413 | Photocopying | 2,646 |
| 451 | Federal Register | 14,125 |
| | SUBTOTAL | 21,595 |
| 25/ | Other Services | |
| 516 | Delivery, phone wiring & Other Services | 26,908 |
| 535 | GSA Support | 35,600 |
| 536 | Payment to Other Govt Agencies | 97,014 |
| | (Includes security clearance background investigations) | |
| | SUBTOTAL | 159,522 |

| | | |
|-----|---------------------------------|------------------|
| 26/ | <i>Supplies & Materials</i> | |
| 611 | <i>Supplies</i> | 17,435 |
| 612 | <i>Books/Subscriptions</i> | 2,488 |
| | SUBTOTAL | 19,921 |
| 31 | <i>Equipment</i> | 135,140 |
| | TOTAL | 1,581,091 |

III. The Review of Assassination Records

The Review Board dealt with major issues relating to thousands of records in the early part of fiscal year 1995. The decisions made with regard to issues such as the release of intelligence sources and methods, and names of informants, have precedential value for thousands of other assassination records which remain to be reviewed. The early investment of time to debate and carefully consider these important issues, before arriving at decisions and voting, has resulted in the dramatic increase in the number of records reviewed at each meeting. This trend is expected to continue in fiscal year 1996.

1. Review Board Meetings and Public Hearings

The United States Congress made clear with the passage of The President John F. Kennedy Assassination Records Collection Act of 1992 that it wanted to "ensure that there is an adequate opportunity for public input and participation." In order to comply with the intent of the law, the Review Board immediately conducted a public hearing after being sworn in and upon receiving its FY1995 funding and has maintained a very public approach during the past year. Although the very nature of the Board's work, the review of classified documents, requires many closed meetings, the public hearings and opening of at least part of most Board meetings has allowed interested members of the public to observe and participate in the Board's work.

The Board has conducted several meetings, both open and closed, for a range of purposes including: start-up discussion and decision making, promulgating definition guidance for "assassination records," briefings with federal agencies, and the review of classified records. In addition, the Review Board held public hearings in Washington, DC, Dallas, Boston and New Orleans. The Review Board meetings and public hearings conducted during fiscal year 1995 will be discussed in separate sections below.

2. Review Board Meetings

The Review Board has conducted 14 meetings in Washington, DC, 12 of which took place during fiscal year 1995. The early meetings involved necessary start-up discussions and briefings with federal agencies regarding assassination records held by these agencies. Since June 1995, as will be discussed below, the Board has been engaged in the review of documents.

- a. April 12, 1994
National Archives Building
Washington, DC

This was the first meeting conducted by the Review Board following the members being sworn-in on April 11th. This first meeting was attended by all of the Board members. It was an organizational meeting at which the first order of business conducted was the election of Board Member John R. Tunheim as Chair. In addition, other topics on the agenda included discussion of: the transition budget, the FY1995 budget request, the timetable and process for appointing an Executive Director, a resolution seeking an extension of the Board's time period, and plans and timetable for the Board's first year. A representative of the National Archives also gave a presentation on the status of the JFK Collection housed at the College Park, Maryland facility.

This first meeting of the Review Board was anxiously awaited by historians and researchers, approximately 100 of whom attended.

- b. July 12, 1994
National Archives Building
Washington, DC

The Review Board conducted its second organizational meeting with all of the members present to further discuss organizational, staffing, funding, and document review issues. Dr. Hall gave a report on the search for an Executive Director, which was followed by a motion to formally offer the position to Dr. David G. Marwell. The motion carried unanimously and it was announced that he would begin working for the Review Board in August. The members also unanimously voted to extend the term of the Review Board until October 1995, pending passage of technical amendments before the Congress to further extend the Board's term. Members discussed the plans for the Board for the remainder of fiscal year 1994. Other matters considered by the Board included: a report on obtaining office space, and a review of agencies' progress in reviewing records.

The Board received an update from a representative from the National Archives, who explained what additions had been made to the JFK Collection since the Board's initial meeting in April.

The Chair reserved time at the meeting for members of the public to be heard. Three members of the public, Dr. John Newman, James Lesar, Esq.; and Mark Zaid, Esq., each took the opportunity allowed by the Chair to discuss issues relative to the JFK Collection.

Approximately 75 members of the public, historians and researchers attended the meeting.

- c. December 13/14, 1994 (Open/Closed)
ARRB Offices
Washington, DC

The Board met for two days for private and public meetings. On December 13th, in private meetings attended by all five Board members and the senior staff (David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration; and Sheryl Walter, General Counsel), the Board discussed the Dallas public hearing and what follow-up was required with regard to the testimony that was given. The agenda also included a discussion of 1995 planning issues which included future hearings, future agency visits, meeting with the President and an experts conference. Mr. James Hastings, of the National Archives and Records Administration gave the Board and staff a briefing on issues pertaining to the JFK Collection and the Board's responsibilities relating to the records it creates. Following the briefing, the staff briefed members of the Board on personnel, progress on the preparation of records for review and the definition guidance on assassination records.

The afternoon session of the December 13th meeting concluded with briefings on government travel, ethics regulations, the Sunshine in Government Act and press policy.

On December 14, 1994, the Review Board and staff members were briefed by several officials from the Federal Bureau of Investigations on various informant issues which relate to the collection of assassination records held by the Bureau.

The Board conducted a public meeting at the temporary offices on the afternoon of December 14th. The meeting was attended by all of the Review Board members and the senior staff. Ms. Miriam Nisbet (Special Counsel to the Archivist of the United States) and Mr. Mike Reynolds (Director of the Textual Reference Division of the National Archives) testified on the Archives opposition to the inclusion of assassination-related artifacts in the definition of an "assassination record." Mr. Steven Tilley (JFK Liaison for the National Archives and Record Administration) gave the Board an update on recent additions to the JFK Collection.

Approximately 40 members of the public attended the open part of the Review Board's meeting.

- d. January 25, 1995 (Closed)
National Archives Building
Washington, DC

The Review Board conducted a closed meeting at which the entire Review Board and the following staff members were present: David G. Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration; Sheryl Walter, General Counsel, and Philip Golrick, Analyst. Steven Tilley, JFK Collection Liaison for the National Archives and Records Administration was also in attendance for parts of the meeting.

The agenda included: a discussion, preparation for, and a vote on the publication in the Federal Register of the draft definition on "assassination records," a presentation by the Executive Director on the records review process, a preliminary review of House Select Committee on Assassinations records and Warren Commission records, a discussion of a recently-decided court case, Assassination Archives and Research Center v. Department of Justice, involving the JFK Act, an update on the experts conference, and planning the Review Board schedule.

Later in the afternoon on January 25, 1995, the members of the Review Board and Executive Director Marwell met with FBI Director Louis Freeh at FBI headquarters.

- e. March 6/7, 1995(Closed)
ARRB Offices
Washington, DC

The Review Board conducted a closed meeting with all members of the Review Board present. The following staff members were present: David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration; Sheryl Walter, General Counsel, and Philip Golrick, Analyst.

The Review Board received a briefing from the Executive Director on the hiring and assignment of members. In addition, he updated the Board members on the procedures for

issuing security clearances to staff members. The Board also was advised of the schedule for the visit to the John F. Kennedy Library and the public hearing in Boston, Massachusetts.

Later in the morning, the Review Board and staff received a classified briefing from representatives of the Central Intelligence Agency.

In the afternoon meeting, General Counsel Sheryl Walter summarized the status of the public comment process regarding the proposed definition guidance for assassination records published in the Federal Register on February 8, 1995. Most of the comments submitted were from private citizens, although the FBI submitted comments and the CIA and the National Archives and Records Administration intended to do so.

The meeting concluded with a Board briefing on personal privacy issues arising under the postponement provisions of the Act. The discussion proceeded to preliminary consideration of privacy issues presented in 18 sample documents in which agencies have sought postponement of particular information under the relevant section of the Act, and comparison of these documents with 6 documents that, although released in full, contain similarly sensitive information. The Review Board made no decisions on these proposed postponements, and no vote was taken.

On the morning of March 7th, the Review Board received a classified briefing from representatives of the National Security Agency. Chairman Tunheim, Dr. Nelson, Dr. Joyce, Dr. Hall, Dr. Marwell, Dr. Gunn, Ms. Walter, Mr. Samoluk, and Ms. Shycoff attended the briefing.

- f. March 7, 1995(Open)
National Archives Building
Washington, DC

The meeting was attended by all of the Board members and the following staff members: David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration; Sheryl Walter, General Counsel; and Philip Golrick, Analyst; Gene Burpoe, Analyst; Christopher Barger, Analyst; Laura Denk, Analyst; Eric Scheinkopf, Analyst; Michelle Seguin, Analyst; Kevin Tieman, Analyst; Joan Zimmerman, Analyst; Eileen Sullivan, Administrative Assistant; and Valerie Sails, Administrative Assistant.

The first matter on the agenda was an update from Mr. Steven Tilley, the JFK Collection Liaison from the National Archives, on additions to the JFK Collection at the National

Archives.

As the second matter on the agenda, the Review Board heard additional public comment on the Board's proposed definition guidance on "assassination records."

The witnesses testifying before the Board were:

William Baugh, FBI
Terry O'Connor, FBI
Mark Zaid, Esq.
James Lesar, Esq.
John Judge
Joseph Backes

Sheryl Walter, General Counsel, also gave an overview of the written public comments which had been received to date.

Following the meeting, the Board and senior staff met with the Director of the Secret Service.

- g. April 12, 13 1995 (Closed)
ARRB Offices
Washington, DC

All of the Review Board members attended this meeting, along with the following members of the staff: David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration; and Sheryl Walter, General Counsel.

The items on the agenda were: the status of the Zapruder film, the Board schedule, definition guidance, intelligence sources and methods postponements, informant postponements, privacy postponements, and the one-day experts conference in May.

- h. May 3, 1995 (Closed/Open)

Washington, DC

ARRB Offices

The Review Board met in closed session in the morning. All Board members, except Dr. Henry Graff, and the following staff members were in attendance: David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas

E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration; and Sheryl Walter, General Counsel.

The Board discussed the FBI response procedure and the Board Document Review Procedure.

In the afternoon, the Board conducted an open meeting. The first matter on the agenda was a discussion and vote on the final definition guidance for "assassination records," based upon the draft that was published in the Federal Register for notice and comment on February 8, 1995. The Board voted unanimously to approve the final definition guidance.

The Review Board also received an update on the JFK Collection at the National Archives from Ms. Mary Ronan.

- i. May 16, 1995 (Closed)
ARRB Offices
Washington, DC

The Review Board conducted a closed experts conference to provide assistance to the Board in identifying and locating records related to the assassination of President Kennedy. The outside conference participants were selected for their expertise, knowledge, experience, and diverse viewpoints.

Board members in attendance were: Chairman John R. Tunheim, Dr. Anna Nelson, and Dr. William Joyce. The following members of the staff participated: Dr. David Marwell, T. Jeremy Gunn, Thomas E. Samoluk, Sheryl Walter, Anne E. Buttimer, Phil Golrick, and Dr. Mary S. McAuliffe. Other staff members who attended were: Christopher M. Barger, Manuel E. Legaspi, Kevin Tiernan, Dennis J. Quinn, Michelle M. Seguin, Joan Zimmerman, Joseph Freeman, Laura Denk, Robert Skwirot, Eric Scheinkopf, and Noelle Gray.

The experts who attended: were Professor Robert Blakey, Dr. David Garrow, James Lesar, Esq., Professor Paul Hoch, Dr. John M. Newman, Mr. David S. Lifton, and Professor W. David Slawson.

Based on the discussion, suggestions, and comments from the experts conference, a detailed follow-up worksheet containing more than 300 references to assassination records or categories of records to be pursued was compiled by the Review Board staff.

- j. May 17/18, 1995 (Closed)
ARRB Offices

Washington, DC

The Review Board met in closed session for two days. The entire Review Board was present, with the following members of the staff attending select parts of the meeting: Dr. David Marwell, T. Jeremy Gunn, Thomas E. Samoluk, Sheryl Walter, Anne E. Buttimer, Phil Golrick, and Dr. Mary S. McAuliffe.

The agenda included the preliminary review of CIA documents, administrative issues.

- k. June 6/7, 1995 (Closed)
ARRB Offices
Washington, DC

The Review Board met in closed session for two days. All of the Review Board members were present. During the course of the meeting, various staff members were in attendance, including: Dr. David Marwell, T. Jeremy Gunn, Thomas E. Samoluk, Anne E. Buttimer, Phil Golrick, and Dr. Mary S. McAuliffe. Other staff members who attended were: Christopher M. Barger, Manuel E. Legaspi, Kevin Tiernan, Dennis J. Quinn, Michelle M. Seguin, Joan Zimmerman, Joseph Freeman, Laura Denk, Robert Skwirot, Eric Scheinkopf, and Noelle Gray.

The primary purpose of this meeting was the review of documents postponed in part or in full by federal agencies. The Review Board formally voted to release in full sixteen documents from the CIA's Oswald files which contain information that the Agency has kept classified. These were the Review Board's first formal determinations to release records under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). The CIA documents which the Review Board voted to release in full principally related to the opening of Lee Harvey Oswald's "201 file" and to certain issues connected with his visit to Mexico City in the fall of 1963, only weeks before President Kennedy was assassinated. These documents have been publicly available, but contain many redactions.

- l. July 17/ 18, 1995 (Closed/Open)
ARRB Offices
Washington, DC

The Review Board met in an open meeting on the morning of July 17th. All of the Review Board members were in attendance. Staff members who attended the meeting in part or in

full were: Dr. David Marwell, T. Jeremy Gunn, Thomas E. Samoluk, Anne E. Buttimer, Phil Golrick, and Dr. Mary S. McAuliffe. Other staff members who attended were: Christopher M. Barger, Manuel E. Legaspi, Kevin Tiernan, Dennis J. Quinn, Michelle M. Seguin, Joan Zimmerman, Joseph Freeman, Laura Denk, Robert Skwirot, Eric Scheinkopf, and Noelle Gray.

Matters on the agenda for the open meeting were: review and acceptance of the minutes from the June 28, 1995 open meeting, discussion of the Board's schedule, and discussion of comments on various proposed regulations.

The Review Board met in closed session for the review, discussion, and decisions on records postponed in part or in full by federal agencies. The Board voted to open in full 16 FBI documents and 2 CIA documents. The FBI documents relate to their investigation of Oswald while he was in the Soviet Union in 1960 and 1961; the Communist Party, USA reaction to the assassination; and Jack Ruby's shooting of Oswald. The CIA documents related to Oswald's trip to Mexico City.

In addition, the Board made a determination regarding whether certain records meet the definition of an assassination record. By unanimous vote, the Review Board designated all serials dated after January 1, 1960, in Sections 1-16 of the FBI Headquarters file on Sam Giancana as "assassination records."

- m. August 2/3 1995 (Closed/Open)
ARRB Offices
Washington, DC

The Review Board met in closed session on the morning of August 2nd. All members were present, except for Dr. Kermit Hall. Staff members who attended part or all of the meeting were: Dr. David Marwell, T. Jeremy Gunn, Thomas E. Samoluk, Anne E. Buttimer, Phil Golrick, and Dr. Mary S. McAuliffe. Other staff members who attended were: Christopher M. Barger, Manuel E. Legaspi, Kevin Tiernan, Dennis J. Quinn, Michelle M. Seguin, Joan Zimmerman, Joseph Freeman, Laura Denk, Robert Skwirot, Eric Scheinkopf, and Noelle Gray.

The Board met in closed session for the review, discussion and decisions on records postponed in part or in full by federal agencies. The attending members voted to release 16 CIA documents in full and 21 CIA documents in part. These documents have been publicly available, but contain many redactions. For the first time, the Board sustained the CIA's position that some information relating to sensitive intelligence sources and methods should not be publicly released at this time. The Board indicated in its notification to the President that some redacted parts of the documents still need to be protected, but also noted they contain no information about the assassination of President Kennedy or about Lee Harvey Oswald. In other instances, the Board proposed substitute language which gives some relevant information in place of the redactions, while not revealing the sensitive intelligence information. The Review Board voted to release 393 of the 478 redactions that the CIA was seeking to still keep secret in these 37 documents.

Following the completion of the closed meeting, the Board held an open meeting. The matters on the agenda were the review and acceptance of minutes from the July 17th open meeting, delegation of subpoena powers, and consideration of Government in Sunshine Act and FOIA regulations.

Approximately 10 members of the public, researchers and historians attended the open meeting.

- n. August 28/29, 1995 (Closed)
ARRB Offices
Washington, DC

The Review Board met in closed session for the *review, discussion and decisions on* records postponed in part or in full by federal agencies. The full Review Board was in attendance. Staff members who attended the meeting in full or in part were: Dr. David Marwell, T. Jeremy Gunn, Thomas E. Samoluk, Anne E. Buttimer, Phil Golrick, and Dr. Mary S. McAuliffe. Other staff members who attended were: Christopher M. Barger, Manuel E. Legaspi, Kevin Tiernan, Dennis J. Quinn, Michelle M. Seguin, Joan Zimmerman, Joseph Freeman, Laura Denk, Robert Skwirot, Eric Scheinkopf, and Noelle Gray.

The Review Board voted to release 43 CIA documents, 27 in full and 16 in part. These documents relate to Lee Harvey Oswald's trip to Mexico City in the fall of 1963, only weeks before the assassination of President Kennedy. The Board has focused much of its attention on this part of the CIA files to date. In addition, the Board voted to release 11 FBI documents (including duplicate copies), 9 in full and 2 in part. These FBI documents involved: the Bureau's investigation of the Fair Play for Cuba Committee in 1961; the Bureau's post-assassination investigation of Michael R. Paine, the husband of Ruth Paine, with whom Marina Oswald was staying prior to the assassination; discussion of the relations of the FBI, the Warren Commission, and the Dallas District Attorney's office; and a 1967 document on reaction to the Warren Commission Report. All of the FBI and CIA documents have been available to the public, but contain many redactions.

The Board agreed with the CIA and the FBI that some information relating to sensitive intelligence sources and methods, and informants should not be publicly released at this time.

The Board voted that one entire CIA document and some redacted parts of other documents still need to be protected, but also noted they contain no information about the assassination of President Kennedy or about Lee Harvey Oswald. In other instances, the Board proposed substitute language which gives some relevant information in place of the redactions, while not revealing the sensitive intelligence information. The Board voted to release 142 of the 173 redactions in this group of documents.

- o. September 20/21, 1995 (Closed/Open)
ARRB Offices
Washington, DC

The Review Board met in closed session over the course of two days for the *review, discussion and decisions on* records postponed in part or in full by federal agencies. The full Review Board was in attendance. Staff members who attended the meeting in full or in part were: Dr. David Marwell, T. Jeremy Gunn, Thomas E. Samoluk, Tracy Shycoff,

Anne E. Buttimer, Phil Golrick, and Dr. Mary S. McAuliffe. Other staff members who attended were: Christopher M. Barger, Manuel E. Legaspi, Kevin Tiernan, Dennis J. Quinn, Michelle M. Seguin, Joan Zimmerman, Joseph Freeman, Laura Denk, Robert Skwirot, Eric Scheinkopf, and Noelle Gray.

The Board voted to release 61 CIA documents, 56 in full and 5 in part. These records related to Oswald's trip to Mexico City. In addition, the Board voted to release 10 FBI documents, 1 in full and 9 in part. (These FBI documents were reconsidered by the Board following a previous vote to allow the FBI an additional 30 days to present additional information.)

The Board also received separate briefings in closed session from the CIA and the FBI regarding various issues connected with their respective assassination records collections.

On the afternoon of September 21st, the Board held an open meeting to review and accept the minutes of the August 3rd open meeting and to discuss and vote on Privacy Act regulations and other notices for the Federal Register.

Approximately 25 members of the public, historians and researchers attended the open meeting.

October 24, 1995 (Closed)

ARRB Offices

Washington, DC

The Review Board met in closed session for the review, discussion and decisions on records postponed in part or in full by federal agencies.

The Board votes to release 38 FBI documents which cover a range of areas the FBI investigated in relation to the assassination. The Board also voted to release 198 CIA documents which relate to Oswald's trip to Mexico City in the fall of 1963.

In addition, the Review Board voted to release 198 HSCA documents. Postponements in these HSCA administrative files contain only the HSCA staff member social security numbers. The Board also voted to open in full 98 pages of the HSCA document entitled Oswald in Mexico City (commonly identified as the Lopez Report.)

The original CIA and FBI documents being released have been transferred to the National Archives

and Records Administration for inclusion in the President John F. Kennedy Assassination Records Collection.

November 14, 1995 (Closed)

ARRB Offices

Washington, DC

The Board votes to release 67 HSCA documents, 53 FBI documents, and 33 CIA documents. The HSCA documents relate in part to HSCA employee payroll certification records, in addition to HSCA documents that had been referred to the Secret Service regarding the Secret Service's investigation of potential threats to President Kennedy. The Board voted to postpone only the release of employee social security numbers throughout these documents.

The FBI documents relate to various records of the Bureau's investigation of the assassination, including contact that Oswald had made on several occasions with Communist Party USA officials. The documents also contain records on the developments of New Orleans District Attorney Jim Garrison's investigation of the assassination in 1967. Postponements in this group of documents contain informant true names and portions of informant symbol and file numbers.

The CIA documents relate primarily to Lee Harvey Oswald's trip to Mexico City in the fall of 1963, only weeks before the assassination of President Kennedy.

3. Board Public Hearings

- a. October 11, 1994
National Archives Building
Washington, DC

The topic of the hearing was defining the term "assassination record."

Providing guidance on the definition was an early and important priority for the Board and the federal agencies that have records related to the assassination. All five members of the Board attended the hearing. The Board heard from 13 witnesses who offered a wide range of opinions on the parameters which the Board should set under the JFK Act with regard to what constitutes an "assassination record."

This input from the public was important because the Congress had made clear that the definition should be broad and go beyond the records of the Warren Commission and the House Select Committee on Assassinations. The goal of the Review Board was to provide clear guidance to agencies on what records they are responsible for producing to ensure that the American public has as complete a record as possible of the assassination. Many of the suggestions made by witnesses at this hearing were incorporated into the final "assassination record" definition guidance.

The following members of the Review Board staff attended this meeting:

David G. Marwell, Executive Director and Tracy Shycoff, Associate Director for Administration. The following witnesses presented oral testimony to the Review Board:

Ms. Page Putnam Miller
James H. Lesar
Mark S. Zaid
Charles J. Sanders
John Newman
Daniel Alcorn
Peter Dale Scott
John Judge
William Kelly
Harrison Livingstone
Max Holland
Martin Barkley
Daryl Weatherly

The following individuals provided the Board with written submissions:

Page Putnam Miller
James H. Lesar
Charles J. Sanders and Mark S. Zaid
John Newman
Daniel Alcorn
Peter Dale Scott
John Judge
William Kelly
Harrison Livingstone
Max Holland
Daryl Weatherly
Kathleen Cunningham
Carol Hewett
Gerald Posner
Dick Russell
Martin Shackelford

Nearly 100 members of the public, researchers, historians, and media representatives attended this hearing.

- b. November 18, 1994
Earl Cabell Federal Building
Dallas, Texas

The Board conducted its second public hearing in Dallas, Texas because it was the location of the assassination and there remains a high level of interest and a great potential for the retrieval of records not yet part of the JFK Records Collection. All five members of the Board attended the hearing. The hearing gave interested members of the public the opportunity to offer their expertise on the existence and location of assassination records. The Review Board heard testimony from 19 witnesses listed below. They offered important testimony on a range of different topics related to assassination records.

The following members of the Review Board staff attended the hearing:

David G. Marwell, Executive Director
 T. Jeremy Gunn, Associate Director for Research and Analysis
 Thomas E. Samoluk, Associate Director for Communications
 Tracy Shycoff, Associate Director for Administration
 Sheryl L. Walter, General Counsel

The Review Board heard oral testimony from the following witnesses:

Jim Marrs
David J. Murrah
Adele E.U. Edisen
Gary Mack
Robert Vernon
Thomas Wilson
Wallace Milam
Beverly Oliver Massegee
Steve Osborn
Philip TenBrink
John McLaughlin
Gary L. Aguilar
Hal Verb
Thomas Meros
Lawrence Sutherland

Joseph Backes
Martin Shackelford
Roy Schaeffer
Kenneth Smith

The following individuals provided the Review Board with written submissions:

Jim Marrs
David J. Murrah
Adele E. U. Edisen
Gary Mack
Thomas Wilson
Wallace Milam
Beverly Oliver Masegee
Steve Osborn
Philip TenBrink
Gary Aguilar
Hal Verb
Lawrence Sutherland
Ernest C. Brandt
Don Carleton
Karen Clem
Frank DeBenedictis
Mary Ferrell
Christopher LaPlante
Lamar Waldron
Theresa Seay

Nearly 100 members of the public, researchers, historians, and media representatives attended this hearing.

- c. March 24, 1995
Massachusetts State House
Boston, Massachusetts

The Review Board conducted a public hearing at which it heard testimony on the identification and location of assassination records, discussed finalizing the proposed definition guidance on “assassination records,” and received an update by the National Archives on the JFK Collection.

All of the Review Board members, except for Dr. Henry Graff attended, along with the following staff members: David G. Marwell, Executive Director; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration; and Sheryl Walter, General Counsel.

The following witnesses testified at the hearing:

George Michael Evica, professor and author
Philip H. Melanson, Political Science Professor at the University of
Massachusetts-Dartmouth and the author of *Spy Saga: Lee Harvey Oswald
and U.S. Intelligence*, published in 1990
Edgar Tatro, teacher
Priscilla Johnson McMillan, History Professor at the Harvard
Russian Research Center and the author of *Marina and Lee*, published in 1977
Dick Russell, author of *The Man Who Knew Too Much*
Richard Trask Author of *Pictures of the Pain: Photography and
the Assassination of President Kennedy*, published in 1994
Steven D. Tilley, National Archives

Approximately 100 members of the public and media representatives attended the hearing.

During this visit to Boston, the Review Board and staff also had a day-long closed meeting on March 23rd with officials from the John F. Kennedy Library. The meeting focused on the collection of assassination records at the Library and their responsibilities articulated under the Act.

- d. June 28, 1995
Old U.S. Mint Building

New Orleans, Louisiana

The Board heard testimony on the identification and location of assassination records in the greater New Orleans area and received an update by a representative from the National Archives on the JFK Collection and recent additions.

All of the Review Board members were in attendance, except for Dr. Henry Graff. The following members of the staff were in attendance: David G. Marwell, Executive Director; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration; and T. Jeremy Gunn, Associate Director for Research and Analysis.

The Review Board heard from the following witnesses:

The Honorable Lindy Boggs, former Congresswoman
The Honorable Harry F. Connick, Sr., New Orleans District
Attorney
Wayne Everard, Archivist, City of New Orleans Archives
Michael L. Kurtz, Professor at Southeastern Louisiana
Stephen Tyler, documentary producer and director
Cynthia Anne Wegmann, Esq.
Steven D. Tilley, National Archives

Approximately 125 members of the public and media representatives attended the public hearing.

Following the completion of testimony at the public hearing, the Board held a public meeting. The agenda included the following matters: discussion of the Government in Sunshine Act regulation, the FOIA/PA regulation, and the Board procedures.

Several of the approximately 125 attendees of the public hearing remained for the public meeting.

IV. Estimated Time and Volume in the Review of Assassination Records

V. Special Problems

1. Federal Agencies

The Review Board and staff have been in communication with all of the relevant agencies which may possess assassination records. The results of the Board's efforts to ensure that these agencies are in compliance with the JFK Act are mixed and ongoing. Brief descriptions of the status of the federal agencies compliance with the Act are provided below.

Department of Justice (not including FBI, DEA, INS)

In response to an ARRB request, DOJ has designated three persons as points of contact for the ARRB regarding assassination records from the Criminal Division, the Civil Rights Division, and DOJ leadership respectively. The ARRB has pending requests to each of these persons for detailed, current accounts of compliance with the JFK Act.

Until responses to these requests are received, the ARRB staff is unable to estimate of the number of DOJ assassination records containing claimed postponements.

Federal Bureau of Investigation

ARRB staff members are working with FBI documents on a daily basis. Their efforts include: (i) reviewing postponements proposed by the FBI, together with the FBI's supporting evidence, to make recommendations to the Review Board regarding these postponements; and (ii) reviewing documents provided by the FBI in response to requests for "additional records and information," in order to identify and locate assassination records that have not been so designated by the FBI.

The ARRB staff conservatively estimates that there will be 18,000 to 20,000 FBI assassination records containing claimed postponements. (No exact figure is available because the FBI has approximately 300,000 pages of assassination records left to process.)

On the whole, the ARRB staff views its day-to-day relations with FBI personnel as cooperative and productive. However, there has been considerable delay in obtaining from the FBI meaningful evidence in support of its proposed redactions. Although the ARRB wishes to afford the FBI every opportunity to present its justifications for continuing to withhold information in assassination records, difficulties with this process appear to be the greatest impediment to discharging the ARRB's responsibilities as to FBI records.

Main Treasury

To date, the Treasury Department has not identified any assassination records, with or without redactions or postponements. The Department did not conduct a file search for any such records. ARRB staff conducted a review of the file inventories and identified approximately two cubic feet of assassination records held at the Federal Record Center at Suitland. Treasury Records Personnel have been cooperative in retrieving and allowing access to those records.

Department of Defense (includes OSD, Army, Navy, Marine Corps & Air Force)

To date, no redacted documents have been identified by any uniformed service or component of the Department of Defense. In April of 1993, in response to the JFK Act, the Army requested all of its activities search for assassination-related documents; three Army activities identified assassination documents and transferred same to the U.S. Army Information Systems Command at Fort Huachuca, Arizona, pending transfer to NARA. As ARRB can best determine, neither OSD nor any of the other uniformed services has taken similar steps.

Accordingly, on August 30, 1995 ARRB requested that DOD and the Departments of the Navy and Air Force issue DOD-wide and service-wide directives informing all activities of the requirements of the JFK Act and requesting that each activity canvass its records in a search for assassination documents. While awaiting DOD and Service compliance with this request, ARRB has compiled, in draft form, detailed requests for additional information which will be forwarded to DOD, Army, Navy (and Marine Corps), and the Air Force during FY 1996. ARRB has every reason to expect that when issued, our requests for additional information will result in the identification of additional military records for the JFK Collection.

Central Intelligence Agency

Since April 1995, ARRB has made significant progress in determining which, among the millions of redactions that CIA took in documents turned over to NARA under the JFK Act, it can now safely release. This has been an enormous task, involving research into hundreds of names, numbers, pseudonyms, and cryptonyms, and the release of a large portion of these, especially those concerned with CIA's Mexico City operations. Although a huge number of redacted CIA documents remains to be reviewed by ARRB, many of the issues in these unreviewed documents have already been resolved in CIA documents that ARRB has released since June, and we expect that most of the major remaining issues will be resolved within the next few months. This will make possible a sharp increase in the Board's review of documents by 1996.

Department of State

Since most of State Department's records dealing with the JFK assassination, such as its Warren Commission-related records, were retired to NARA before the JFK Act, this left relatively few records--approximately 5,000--to be reviewed under the Act's terms. Of these, almost 95% have been opened in full. Approximately 2% are still on referral with other agencies, while only a little over 3% contain postponed material to be reviewed by ARRB. DOS is keeping current on those documents still on referral and has recently released in full a small collection of records which ARRB staff located in DOS files. Following discussions with ARRB staff, DOS is also re-reviewing a small collection of records from the Passport Office. The Department's recent initiation of contact with the governments of Russia and Belarus in the attempt to locate additional documents related to the JFK assassination is an especially important forward step in helping ARRB attain its statutorily-mandated mission.

United States Customs Service

The Customs Service designated the Director of the Office of Administration within the Office of Investigations to oversee the search for assassination records. Review Board staff members first met with the Director and his staff in July 1995. At the time of that meeting, Customs indicated that it had not begun its search for records, but that it had been aware of its obligations under the JFK Act for over a year. Soon after the July meeting, however, Customs assigned a staff person to search for records and to be the liaison with the Review Board.

The Customs representative met with the ARRB staff in August. At that time, the only assassination records Customs had located were those records referred to it by other agencies. Customs received at least 15 envelopes of referred documents, and it has approved full release of all of those documents. The Customs liaison is not optimistic that other Customs assassination records still exist because of their general record destruction policy and poorly labeled storage boxes which will make it difficult to locate any assassination records which may not have been destroyed. Review Board staff will continue to work with the Customs liaison to determine what assassination records still exist and can be included in the JFK Collection.

Secret Service

Since January, 1995, when ARRB staff first contacted representatives of the Secret Service regarding compliance with the JFK Act, the Secret Service has sent 159 White House detail shift reports for the period November 1, 1963-November 23, 1963, to the National Archives. The Secret Service has thus far failed to undertake a thorough search of all Secret Service holdings. In an apparent violation of the JFK Act, the Secret Service destroyed two boxes of Protective Reports for President Kennedy in the 1961-1963 period, as well as similar materials from the Johnson and Eisenhower presidencies. The destruction of the Kennedy Protective Reports was authorized after the passage of the JFK Act. These records were destroyed at the Washington National Records Center in January, 1995, only 8 days before the first ARRB contact with the Secret Service. The Assassination Records Review Board is continuing its investigation of this matter.

The Secret Service has denied direct access to ARRB staff to its holdings at Centre Pointe as well as other records sites, thus it is impossible to say how many assassination records remain to be identified and reviewed. Although ARRB staff were shown some materials from Centre Pointe and were allowed to suggest that these materials included assassination records, there is still no evidence that any records from Centre Pointe are under review by the Secret Service. The Secret Service has limited its estimate of potentially reviewable records to its still surviving holdings at the National Records Center and has suggested that 100 cubic feet of material remains to be examined. At a meeting

attended by ARRB staff and Secret Service representatives in August 1995, the Secret Service stated that it would begin to send materials referred to the Secret Service from the House Select Committee on Assassinations back to the National Archives at the beginning of September 1995. The ARRB has only recently learned that some of the referred HSCA materials have been returned to the Archives.

None of these materials have been stamped with the appropriate classification status, and the Secret Service has not provided the ARRB with Record Information Forms or computer discs. There is no indication of how many records from the HSCA may contain redactions.

The Secret Service has yet to establish an efficient internal structure designed to meet the requirements of the JFK Act in a timely manner. Despite the Secret Service's apparent reluctance to cooperate with the Review Board, ARRB staff have continued to request that Secret Service materials from Centre Pointe and from the internal Archives at Secret Service headquarters be reviewed. ARRB staff are in the process of examining Secret Service materials (two archive boxes) from the Warren Commission at Archives II that contain postponements. As the Secret Service returns HSCA material to the Archives, ARRB staff will issue requests for evidence for any postponements taken.

Immigration and Naturalization Service

To date, the INS has identified approximately five cubic feet of assassination records. About 1/3 of these have been reviewed by INS personnel and no redactions or postponements have been made. None of these records have been reviewed by the Review Board or staff. Although the INS failed to respond to initial ARRB staff inquiries, a liaison has now been identified and is fully cooperating.

Drug Enforcement Administration

The number of assassination records in DEA files is undetermined. There was apparently no contemporaneous investigation by DEA predecessors, and the extent of cooperation with other agencies (such as the Secret Service) may be unknowable because of some recent records destruction.

From the file of HSCA correspondence with the DEA, the ARRB staff has thirty-six names which appeared in files reviewed by HSCA staff. A letter was sent to DEA in July 1995 which listed thirty-six names (twenty-eight from a DEA letter which listed positive references in DEA files and eight Ruby family siblings) and asked to see all files in which they appeared. In a subsequent meeting ARRB staff was shown the computer generated results of a new search on the thirty-six names. The results were mixed. Some names which yielded positive file references in 1978, did not yield any references in the most recent search. The Board's DEA contact could not explain this discrepancy, but promised to work on it. Of the names which yielded positive results, the ARRB staff only looked at the computer search slips, not the actual files. In effect, the ARRB has one standing formal request to the DEA which has not been fulfilled. We also have an informal request for materials which would help us understand DEA records keeping generally.

The DEA has been cooperative generally in that they now understand that they have an obligation under the JFK Act. However, there are no indications that their compliance is a priority within the agency.

2. State, Local and Private Records

The Board's investigative staff currently has over 60 issues under active investigation. These issues range from complex undertakings like identifying and locating all members, staffers, and consultants of former investigative bodies that looked into the assassination, to locating and interviewing a key witness. Our database of investigative contacts lists nearly 700 since it went on line in April. Our investigative effort has yielded encouraging results including the addition of several large and important private record collections to the JFK Collection.

The Review Board has devoted significant attention to records in the New Orleans area because of the investigation which New Orleans District Attorney Jim Garrison conducted into the assassination of President Kennedy in the late 1960's. The investigation and prosecution of the Clay Shaw generated records which the Board believed were important and should be part of the JFK Collection.

In addition to the public hearing which the Board conducted on June 28, 1995 in New Orleans, the staff made direct contact and interviewed several individuals in connection with locating and acquiring assassination records in the New Orleans area.

The family of the late District Attorney Garrison donated several boxes of records related to the assassination which were in the personal possession of Garrison when he died in 1992.

The family of the late Edward Wegmann, an attorney on the Clay Shaw defense team, donated several boxes of materials used in Shaw's defense against the charge of conspiracy to assassinate President Kennedy.

The Review Board's experience in attempting to acquire assassination records in the possession of a local government official in New Orleans demonstrates the tension between state and federal law resulting from the provisions of the JFK Act.

Current District Attorney Harry Connick testified at the June 28, 1995 public hearing in New Orleans regarding records from the assassination investigation of his predecessor, Jim Garrison. Connick testified in public and stated privately that he would donate the records from the Garrison

investigation which were still in his office. Review Board staff were allowed to inventory the records in Connick's office, but the actual transfer to the Review Board would be made at a later date, pending the District Attorney's staff completing its own inventory.

Following the Review Board's public hearing and the accompanying media coverage, the Board received from a New Orleans television station what appear to be original transcripts of approximately 40 witnesses called by District Attorney Garrison before a grand jury during his assassination investigation. The records had reportedly been provided to the television station by a former member of District Attorney Connick's staff. The individual that in the early 1970's, as part of an effort to clear out grand jury records from closed cases, including the Clay Shaw case, Connick had ordered him to destroy these grand jury transcripts. The former staffer stated that instead of taking the records to the city incinerator, he kept them at his home until giving them to a television reporter, under the condition that they be turned over to the Review Board.

District Attorney Connick has sought the return of these grand jury records, claiming that secrecy requirements under Louisiana state law prevent the disclosure of any grand jury records. Connick subpoenaed the records from the Board. Upon the advise of the U.S. Justice Department, the Board advised the District Attorney that the subpoena would not be honored. Efforts to resolve the dispute and clarify the legal status of the grand jury records have been unsuccessful to date.

As a result of the dispute over the grand jury records, District Attorney Connick has refused to honor his earlier commitment to the Review Board to donate the assassination records which are still in his office.

The dispute between District Attorney Connick and the Review Board is the first legal dispute involving federal versus state law resulting from the broad authority and mandate granted to the Board under the JFK Act.

V. Appendix

1. Final Determination Forms
2. Notices of Formal Determinations
3. Regulatory Actions

The Review Board has issued the following notices and proposed and final rules:

"Guidance on Interpreting and Implementing the President John F. Kennedy Assassination Records Collection Act of 1992," Proposed Interpretive Regulation, 60 F.R. 7,506 (February 8, 1995).

"Rules Implementing the Government in the Sunshine Act," Notice of Proposed Rulemaking, 60 F.R. 32,930 (June 26, 1995).

"Guidance on Interpreting and Implementing the President John F. Kennedy Assassination Records Collection Act of 1992," Final Regulations, 60 F.R. 33,345 (June 28, 1995).

"Rules Implementing the Freedom of Information Act," Notice of Proposed Rulemaking, 60 F.R. 34,193 (June 30, 1995).

"Assassination Records Review Board Rules of Procedure," adopted on July 12, 1995.

"Rules Implementing the Privacy Act," Notice of Proposed Rulemaking, 60 F.R. 39,905 (August 4, 1995).

"Rules Implementing the Government in the Sunshine Act," Final Rulemaking, 60 F.R. 45,335 (August 31, 1995) (to be codified at 36 CFR Part 1405).

"Rules Implementing the Freedom of Information Act," Final Rulemaking, 60 F.R. 45,338 (August 31, 1995) (to be codified at 36 CFR Part 1410).

"Freedom of Information Act Statement of Organization, Functions, and Authority Delegations," 60 F.R. 51,733 (October 3, 1995)

"Rules Implementing the Privacy Act," Final Rulemaking, 60 F.R. __, __ (December __, 1995) (to be codified at 36 CFR Part 1415).

"Privacy Act Systems of Records," Notice, 60 F.R. __, __ (December __, 1995).