

Assassination Records Review Board

600 E Street NW ■ Second Floor ■ Washington, DC 20530

MEMORANDUM

April 21, 1995

TO: The Board

FROM: David G. Marwell
Executive Director

SUBJECT: Weekly Update

During the meeting last week, the Board requested a weekly update on staff activities. My sense is that *Staff Notes* was less formal and less comprehensive than you would like, and I hope that this *Update* strikes the proper balance.

LAST WEEK...

Jeremy and I visited the Intelligence Records Repository (IRR), Central Security Facility (CSF) at Fort Meade to review some Army Intelligence records. We have established good contacts at the working level, and are applying for status as a records procurement agency which will permit us to make requests.

Approximately 12 feet of records (principally defector files) have been identified by the Army as possibly meeting the definition of assassination records. Some of these records were reviewed by the HSCA and some were identified to the Army by the CIA in the course of the CIA's review of its assassination records. Although the Army has reviewed the records under the provisions of the Act, they have conducted no data entry, claiming they were unaware of the requirement. This lack of basic compliance with the Act is emblematic of what appears to be a general attitude at some levels of the Army. We intend to meet with a senior official in the Office of General Counsel, Department of the Army to discuss our concerns.

We spent a great deal of time this past week working with FBI data problems. The NARA database was missing over 40,000 FBI entries. We discovered that the FBI had not transferred a significant number of diskettes to NARA when the corresponding records were transferred. We have received the "missing" diskettes and updated our database. We have also developed a program to identify FBI cross references in an effort to identify identical records bearing different file numbers. We have determined that as many as one third of the FBI postponements are of duplicate records.

ADMINISTRATION

Top Secret security clearances were granted for 6 staff members (Golrick, Tiernan, Zimmerman, Seguin, McAuliffe, Sullivan), and the Department of Justice Security Office is reviewing 5 completed cases for recommendations to us for adjudication.

We currently have 19 full time and one intermittent staff members. Additionally, we have five people awaiting the completion of their clearances to begin employment.

Job announcements for the three remaining Administrative positions have been distributed, and we have begun getting resumes from applicants. We are also interviewing for the Military Team Leader position.

We have announced a summer intern program and sent information to several local law schools for posting. We have received at least 5 resumes to date. The resumes are being circulated among the Senior Staff, and applicants will be called for interviews soon.

Paychecks/Statements for the Board members will be delivered on April 24. We will verify that the appropriate corrections have been made and are accurate.

We have made Hotel reservations for the May 2/3 meeting.

ANALYSIS AND REVIEW

Record Review

Five analysts are now reviewing agency records in preparation for decisions by the Review Board. Phil, Joan, and Kevin are now reviewing records full-time at the FBI. They have begun their review of the Bureau's "core files," including the Oswald and Ruby files from both headquarters and field offices. Mary and Michelle are now working full-time at the CIA's office in Roslyn. They have begun their review of the Oswald 201 file, which now consists of seventeen boxes. It is anticipated that it will take several months to complete the Oswald file.

Thus far our review has taken place at the agencies. We expect that in the near future records will be sent to the ARRB where the analysts will be able to use their computers.

Review Procedures

We have been developing procedures and guidelines for analysts to follow in conducting their review of agency records. We now have one basic form ("Review Form") that analysts will fill out for each record for which the agencies are postponing information. On the Review Form, the analysts identify each redaction, the basis the agency asserts for the redaction, and an analysis of the

redaction. These forms are available for the Review Board's inspection. In addition, the analysts have been given handouts explaining the review process and lists of questions that they should address with respect to the different types of postponements identified by the agencies.

We are developing a computerized program to automate and replace the Review forms. It is expected that the program will be perfected by the time we begin to receive documents on site.

Background Research Materials

Jeremy has developed research materials to assist analysts in the review process. These background materials include a 100 plus page chronology of events, a sixty-page index of acronyms, and an 80-page index of names.

Secret Service

We have had several appointments to conduct a preliminary review of Secret Service records. Because of some medical and personal problems that have confronted our contact, the appointments have had to be rescheduled.

"Additional Records and Information": Requests to Agencies

We have now sent letters to the NSA, CIA, and FBI requesting some background information and research aids (*e.g.*, organizational charts from the relevant period; manuals; filing system plans). The letters address the specific issues that apply to those agencies. We anticipate sending an additional letter to the Secret Service next week once we have completed our preliminary review of their records. We are also working on a draft letter to all agencies holding JFK records asking them to respond to several questions in order to give us a better idea as to where each agency stands in the review process.

Interview Appointments

Jeremy and Mary have appointments to interview two former CIA officials: William Colby (former DCI) and Samuel Halpern (involved in anti-Castro activities during the 1960s). The thrust of the interviews will relate to CIA procedures and organization with particular emphasis on: Counterintelligence/Special Investigations Group (which held Oswald's 201 file until October 1963 and also had one or more soft files on Oswald); Western Hemisphere Division (which took the 201 file in October); the Office of Security (which had a soft file on Oswald); and other branches within the agency. Both Mr. Colby and Mr. Halpern readily consented to the interviews.

GENERAL COUNSEL

The Definition: Final Interpretive Regulations

A good portion of this week was spent on revising the proposed regulations in light of the Review Board's discussion last week. A final version, which includes extensive new supplementary

language, is near completion. We anticipate circulating it to the Board members early next week. It will also be circulated to the senior staff for comments. Review Board members should be aware that OMB wants to review it before it is issued in final form, which could add a up to a week's delay to final publication.

Zapruder

This week Sheryl made contact (thank you, Henry) with Gabriel Perle, former General Counsel for Time Life, regarding the film's legal status. He stated his unequivocal belief that Time intended that the original film be donated to the National Archives. He thought it had been so donated and was surprised to hear to the contrary. He referred Sheryl to Time Warner Vice President and General Counsel Harry Johnston III. Sheryl sent a comprehensive letter with attachments laying out the issue and requesting that he allow us access to their files on the film.

ARRB Agency Records Guidance

Sheryl completed draft records retention guidance for Review Board members and staff to provide more specific instructions on our federal records responsibilities. Once it has been finalized it will be distributed to all staff.

Ethics Training

We compiled additional training materials from various sources in the government this week and are making plans for ethics training for all staff as required by the Government Ethics Act.

Followup on Public FOIA Requests for Assassination Records

This week Sheryl devoted time to continuing our followup of pending or denied FOIA requests for assassination records. This project will be a continuing one pending assignment of an analyst to assist in this process.

COMING UP....

May 2/3 Meeting

We will hold a public meeting to discuss and vote on the definition regulations. We hope to spend the remainder of the time discussing and refining the Board review process. We will have a number of records ready to review.

Experts Meeting (May 16)

The Experts Meeting has been confirmed for May 16, 1995, the day before the Review Board's two-day meeting. In addition to those discussed at the last Review Board meeting, David Garrow has accepted and will be participating. An Agenda will be sent to the Board as soon as it is confirmed, although we anticipate the following topics to dominate the agenda: military records; CIA

records; FBI records; and records in private hands.

CIA Briefing On Mexico City Issues (May 18)

The CIA readily accepted the Board's invitation to brief the Board on Mexico City issues. The Agency was told that this will be its opportunity to present its "clear and convincing evidence" in support of its postponements. The Agency will be sending personnel from the Directorate of Operations to explain the postponements.

The proposed agenda for the Board on the Mexico City issues is as follows: (a) confidential background briefing by A&R staff; (b) presentation by the CIA; (c) questions to the CIA by the Board; (d) Board conducts confidential discussion and, if possible, makes postponement decisions on specific CIA documents.

Although it is likely that the Lopez Report will be discussed, it is not anticipated that the Agency will necessarily address all of the issues raised therein. (This is because the Lopez Report is a congressional rather than an Agency document.) The A&R staff is identifying specific Agency records relating to Mexico City that are at issue. If the members of the Board would like to receive background materials on Mexico City issues prior to the Board Meeting, they should contact Jeremy.