

# DRAFT 2

October ??, 1997

David W. Carey  
Executive Director  
[Address?]  
Central Intelligence Agency  
Washington, DC 20505

Re: Completion of Review of Assassination Records

Dear Mr. Carey

The Assassination Records Review Board ("Review Board") has less than one year to complete its statutory responsibility of ensuring that all Federal records related to the assassination of President Kennedy are made publicly available at the National Archives and Records Administration ("NARA"). Because of the importance to the Review Board of completing the review and release of Central Intelligence Agency records, I am taking this opportunity to raise with you some of our concerns and to describe our goals.

Let me first reiterate our deep appreciation for the cooperation that we have received thus far from the Agency. We are mindful of the enormous amount of work that has been accomplished thus far. We very much hope to be able to report, at the completion of our work, that the Agency has fully complied with the letter and spirit of the JFK Act and that the Review Board is confident that all CIA assassination records have been fully processed and transferred to the National Archives. Unfortunately, it is clear at this point that the pace of review of CIA records will need to **continue to increase** during this final year so that the CIA and the Review Board will be able to complete our responsibilities and that the Review Board can issue the type of report that we all ideally envision.

It is our goal to have all CIA assassination records reviewed and **in the custody of NARA** by September 1, 1998. By "all" assassination records, I include the unredacted originals as well as copies containing Board-approved postponements. (I am excluding, therefore, duplicates of those records that have been transferred to NARA.) The Review Board is prepared to take all necessary steps within its statutory authority to ensure that this work is accomplished.

The Review Board has promised Congress that this work will be completed by September 1998. The Review Board also is obligated to keep Congress informed, on a monthly basis, of the steps it has

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taken to ensure completion of this goal. We now need to keep Congress informed of any difficulties that we are facing in the course of completing this work.

As you know, the JFK Act in many ways imposed difficult obligations. For example, it required the CIA (and other agencies) to complete its review and transfer of records to NARA within 300 days of the time the statute was enacted in 1993. **The CIA reviewed and released core files (Oswald 201 file and records from the 63 boxes of the Sequestered Collection) in 1993 but could not meet the statutory deadline for the remaining records.** We would like to make it as clear as we possibly can that we intend to ensure that the goal of **having all assassination records reviewed and in the custody of NARA** is accomplished during the lifetime of the Review Board.

We have raised with the Agency previously **our concerns about the resources that will be required to complete work on the assassination records** by September 1, 1998. In a meeting at CIA headquarters on October 16, 1996, CIA Executive Director Nora Slatkin promised members of the Review Board that the CIA would devote whatever resources are necessary to complete the task.

In order to ensure that this work is completed, the Review Board has developed a timetable for review of remaining CIA records. The CIA's Historical Review Group suggests that refinement of the timetable is necessary. **The Review Board is receptive to changes to the timetable that will move the process most efficiently but feels strongly that a workable framework for review in this final year must be adopted without delay.**

In order to fulfill our responsibilities under the JFK Act and in order to honor our pledge to Congress, we believe that the following steps are necessary:

*First*, we need to establish a reasonable but strict schedule for the CIA's review and release of records. **We ask that the CIA** devote all of the resources necessary to review the records under this schedule. We believe that the only way to ensure that the CIA's work is completed is to adhere to such a schedule.

*Second*, if the CIA has not completed its scheduled review by the proposed deadline, the Review Board will require that all CIA records identified as assassination records under the JFK Act be transferred forthwith to the National Archives regardless of whether they have been reviewed or processed by the CIA pursuant to the Board's authority at 44 U.S.C. § 2107.7(j)(B).

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*Third*, the Board will presumptively vote to open in full all records that have not been reviewed in conformity with the schedule.

We can assure you that we have no desire whatsoever to take steps two and three. However, at this point, we see no other method for satisfying our obligation to ensure that the CIA's assassination-related records are released by September 1998, unless the CIA agrees to schedule the review in a timely, consistent, methodical, and enforceable manner. Although you should not hesitate to contact us regarding any ideas you have for streamlining or improving the accomplishment of this task, there should be no misunderstanding by the Agency regarding what we believe our goal to be and the steps that we are prepared to take to ensure the fulfillment of our statutory obligations and our promises to Congress. It is our perception that if the Agency allocates additional resources to the accomplishment of this project, we all will be able to accomplish the goals of the JFK Act.

We therefore strongly urge the Agency to **take the appropriate steps** necessary to complete its review of records in an orderly and systematic manner. To the extent that the Agency is able to meet the necessary deadlines, there will be no need for us to resort to the extreme -- but potentially necessary -- measures to complete our obligations to Congress and the American people.

Sincerely,

Judge John R. Tunheim  
Chairman

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