

February 26, 1997

Lieutenant Colonel (U.S. Army, Ret.) Daniel Marvin  
715 Hector Street  
Ithaca, NY 14850-2031

Dear Lieutenant Colonel Marvin:

I received your letters dated February 14, 17 and 18. I appreciate your input. I am happy to respond to some of the points you raised in these letters.

First, Dr. Vanek's affidavit. You questioned whether this affidavit would be admissible as evidence in a criminal trial because each page is not signed, etc. I remind you once again that, in accordance with our statutory mandate, the ARRB's work is primarily historical and archival. Our goal is to make available to the American public, at the National Archives' JFK Assassination Records Collection, as much *information* as possible about matters related to President Kennedy's death. We are not, however, conducting a criminal investigation, and so we are under no real or implied obligation to package material for the Archives as *evidence*. In any case, our General Counsel has assured me that Dr. Vanek's affidavit meets the standard appropriate for affidavits.

Keep in mind as well that such practices as initialling individual pages and so forth are important in a legal context only as a tool to assist in verifying the authenticity of a document. In that sense, they are germane only if the authenticity of the document itself is in doubt, which is not the case here. We are satisfied that Dr. Vanek's affidavit is an accurate representation of his recollections, and that this meets the historical interests of the American people.

Second, you noted that the affidavit uses the term "counter-assassination course," implying that the use of this term suggests some sort of prior knowledge on Dr. Vanek's part since you did not use that expression in the Nigel Turner documentary. You did, however, use that term in your March 18, 1996, letter to Congressman Hinchey, a copy of which you attached to your March 23, 1996, letter to me. In preparation for my telephone interviews with Dr. Vanek, I carefully analyzed all of the material you had previously provided me, including the Hinchey letter. I have reviewed my notes and can confirm that I used the term "counter-assassination course" in questions I put to Dr. Vanek during my initial telephone interview with him on November 4, 1996, and possibly during subsequent conversations as well. The term "counter-assassination course" therefore went from you to me to him; it did not originate with him. You should therefore not read any significance into the fact that this term appears in his affidavit.

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Finally I turn to the matter of our conversations with Dennis David. Our general policy is not to divulge to the public the status of work-in-progress, and so I must decline to comment further on this subject. All ARRB records, including any material generated as a result of our contact with Mr. David, will eventually be placed in the JFK Assassination Records Collection.

Sincerely yours,

Timothy A. Wray  
Chief Analyst for Military Records