

GENERAL SERVICES ADMINISTRATION
EXTERNAL SERVICES DIVISION

ASSASSINATION RECORDS REVIEW BOARD
AGENDA FOR FIRST BOARD MEETING

National Archives Building
Archivist's Reception Room
Washington, D.C.

Tuesday, April 12, 1994

The above-entitled meeting commenced, pursuant to notice, at
2:00 p.m.

BEFORE:

JACK TUNHEIM, Chairman of the Board
HENRY GRAFF, Board Member
KERMIT HULL, Board Member
WILLIAM JOYCE, Board Member
ANNA NELSON, Board Member

ALSO PRESENT:

STEVE TILLEY

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PROCEEDINGS

ELECTION OF CHAIR

MR. TUNHEIM: Welcome everyone to the first meeting of the Assassination Records Review Board. We are very glad to be here finally in action, and appreciate all of you coming to the meeting today. We are going to begin on our agenda, which copies have been made available to the election of the Chair of the Board.

MS. NELSON: I move we elect Jack Tunheim.

MR. GRAFF: I second.

MR. TUNHEIM: Any discussion?

MS. NELSON: No discussion.

MR. GRAFF: I'll say all those in favor?

[Chorus of ayes.]

WELCOME AND INTRODUCTORY STATEMENTS BY BOARD MEMBERS

CHAIRMAN TUNHEIM: I guess I'm elected Chair. Thank you, and I look forward to the opportunity to work together with each of the members of this very distinguished group. Before we go into the business of the day, I would like to have each board member introduce themselves to you, and give a very brief introductory statement as we begin our effort. Henry would you care to begin?

MR. GRAFF: Yes. I am Henry Graff, and I am a professor emeritus in history at Columbia in New York. My special field of interest is the history of the presidency and I taught for 35 years a course that was one of the first courses in the country on the subject. I am very flattered by the President's nomination of me, and pleased by my confirmation. I must tell you that my place on this Board was not solicited, it was not expected. I am delighted to be a member, I'm honored, and I hope to make this Board a success.

MR. HALL: I am Kermit Hall, Dean of the College of Arts and Sciences at the University of Tulsa. I am a professor of history and of law at that university, and have previously taught at Vanderbilt, Wayne State University, and the University of Florida. I believe most significantly that one of the critical ingredients of a successful democracy is the full disclosure of materials that bear upon issues of significant

public policy.

I think this Board has a particularly ripe opportunity to restore some additional legitimacy to the issues surrounding the Kennedy assassination not so much in resolving, indeed in any way resolving issues involving who did it or why they did it, but making available to the scholars and researchers as full a record as is possible for the future understanding of this particularly critical event.

MS. NELSON: Bill, I think we're going alphabetically.

MR. JOYCE: My name is Bill Joyce. I work at Princeton University where my title is associate university librarian for rare books and special collections which entails our Manuscript Division and the University Archives and Public Policy Papers.

I was one of several nominated by the Society of American Archivists and selected by the President for service on this Board, and like my Board colleagues, it's a great honor and daunting responsibility to be here to do what we can to open records concerning the assassination to try to enlarge public understanding of the issues surrounding these terrible events of November 1963.

MS. NELSON: I am Anna Nelson, and I am a member of the History Department at American University. I was on the slate given to the President by the American Historical Association, and I think probably my name surfaced because I had been in the forefront for access to records for, maybe, 15 years. I was a member, a staff member, a lowly staff member, of the Public Documents Commission that developed with the Watergate tapes, and later was program director of a privately funded Committee on Public Records.

I've done a lot of work on public records: I have testified for access, I've written about access. I am very interested in the work of this Board and also recognize the responsibilities that are involved.

MR. TUNHEIM: I am John Tunheim, and I am the Chief Deputy Attorney General of the State of Minnesota, a position I have held for about eight years. Prior to that, I was a Solicitor General in the Attorney General's Office in Minnesota. My legal specialty is constitutional law, a subject that I teach at the University of Minnesota Law School. This is my second Washington experience. I spent some time on the staff of United States Senator Hubert Humphrey in the 1970s.

I was one of the suggestions made to the President from the American Bar Association, and so I serve the role on this Board as a lawyer member of the Board of which the law does require. I intend to pay special attention to the processes and procedures that the Board follows to make

sure that we do our very best to ensure public disclosure. That is the mandate of the Congress in passing this Act and truly, in the end, how we will be judged as members of the Assassination Records Review Board.

I want to before we begin just on the record express the appreciation of the Board to Justice Ruth Bader Ginsberg for officiating at the swearing in ceremony that we had yesterday afternoon. We appreciate her willingness to take time out of her schedule to help us get off to an excellent start.

DISCUSSION OF TRANSITION BUDGET

CHAIRMAN TUNHEIM: Next on our agenda for today is a brief discussion of where the Board is at in its budget. Let me just report initially on our transition budget, which really covers the period of time from now until the new fiscal year begins in October 1994. We have been allocated \$250,000 from the White House from a fund called the Unanticipated Needs Fund.

We were not funded at the beginning by Congress. There is an authorization there, but there is also a passage that says that for start-up funds the President may use discretionary funds available to him. We are very fortunate in having received \$250,000 from the President from this fund, so that we will be able to begin our efforts now, rather than awaiting a congressional appropriation. We are in the process of developing a more specific budget associated with the \$250,000 and that process is now beginning with the Board beginning its work.

DISCUSSION OF FY95 BUDGET REQUEST

CHAIRMAN TUNHEIM: We also have a budget request that is due quickly to the Congress for fiscal year 1995, and we are also in the process of developing that. We are guided by the review that was given to the legislation by the Congressional Budget Office which indicated an estimate of \$2.4 million for a fiscal year appropriation. We will use that figure as an initial guide in developing our own budget for Fiscal Year 1995, a number that needs to be at Congress quickly.

Do any members of the Board wish to comment or discuss further the budget requests at this time?

[No response.]

DISCUSSION OF PROCESS AND TIMETABLE FOR APPOINTING EXECUTIVE DIRECTOR

CHAIRMAN TUNHEIM: Let's go right into a discussion of the process and timetable that we intend to follow in making a very critical decision for the Assassination Records Review Board, and that is: the appointment of an Executive Director, which will be essentially the chief administrative official for this Board.

Members of the Board?

MS. NELSON: Well, we are bound by the statute to choose a certain kind of individual with a certain kind of background. Our first task will be to make sure that we are abiding by the statute, then we will be adding other characteristics. But the statute is very clear about, for example, not hiring anyone who is on the government payroll and that sort of thing.

CHAIRMAN TUNHEIM: In terms of a timetable for hiring an Executive Director, do members of the Board have thoughts about that issue?

MR. HALL: Well, I think, again, the legislation mandates that we choose a Director in a very timely way. I think it is 45 days, and we recognize the importance of having staff energy here in Washington on a full-time and continuing basis, so that we can get the work of the Board actively engaged as quickly as possible. We are all mindful that there is much interest in this matter, and we hope to be able to select someone just as quickly as practically possible.

MR. GRAFF: I think that we are well aware that the role as the Director must not be a dominant role. This Board will be of four to five people and the Director will be working for a board. It is our observation that too often the Executive Director becomes the person in charge or the Board, a Board, becomes merely an instrument of the Chair plus the Executive Director. We are hopeful that we each can contribute, especially because we have a variety of specialties within the specialty of concern over research and documents, and each will have input that is significant.

CHAIRMAN TUNHEIM: I think that it is clear that the Board is very conscious of a need to make a very important decision on an Executive Director very quickly. That appointment of that official is critical for us to really begin our efforts in earnest to carry out the important provisions of the law, and we will be starting that process immediately of searching for an Executive Director to head our staff.

We are guided by the 45-day message in the legislation and so we will begin, I believe, our advertising for the position almost immediately. We will be interviewing people, hopefully, within two or three weeks so that we can make a decision on an Executive Director. I think that is critical for us to be able to begin the substantive work of the Board is to have a staff in place. We are all part-time under the law and, by and large, live in other places around the country. So to have a staff here, I think is absolutely critical.

MS. NELSON: We will be advertising, and we will be conforming to the various acts.

CHAIRMAN TUNHEIM: Any further comments on appointment of an Executive Director?

[No response.]

CHAIRMAN TUNHEIM: I might add before we go on, we consider this meeting to be essentially an organizational meeting. We have not met before this time because we have been busy security start-up funds. It was not possible for us to meet without an appropriation available. The approval of the \$250,000 just came late last week, in fact on Friday, which made it difficult for us to provide substantial notice for this particular meeting. We do consider it an organizational meeting, and our future meetings we will provide a good deal of notice in advance for everyone who wishes to attend our meeting.

RESOLUTION SEEKING EXTENSION OF BOARD'S TIME PERIOD

CHAIRMAN TUNHEIM: Let's move to a discussion regarding the time period that the Board has in which to operate. Because of the delays involved in appointing and confirming members of the Board, we are behind the timetable that was originally set out in the legislation. We are very conscious of that and want to do our best to make up for that.

Currently, this Board is due to expire, by virtue of the legislation, in October, October 28th I believe, of 1994. We have an ability to extend that time period for an additional year on the Board's motion.

I think we would like to discuss a need to have additional time, have sufficient time in which to do our work.

Kermit?

MR. HALL: Mr. Chairman, I would like to offer a resolution for adoption by the Board, and the resolution would read as follows:

"BE IT RESOLVED that this Board does hereby request Congress to authorize its existence for two years from the date of the swearing in of the board members on 11 April 1994, with the additional proviso that the Board may by majority vote extend its term for an additional one-year period if it has not completed its work within the two-year period so requested."

Mr. Chairman, this resolution is offered in the spirit of the law as it was originally passed, and certainly within its intent, to give the Board as full a time as possible within the legislative understanding to complete our task. It also I believe takes account of the fact that it has been 18 months since the original legislation was, in fact, passed, which would suggest that some extension is, in fact, in order. That is my resolution, Mr. Chairman.

CHAIRMAN TUNHEIM: Do we have a second?

MR. GRAFF: So moved.

CHAIRMAN TUNHEIM: Any discussion on the resolution?

[No response.]

CHAIRMAN TUNHEIM: I think this is an absolutely essential step to take. This Board does need sufficient time in which to do its work. That doesn't mean we are not going to move swiftly, but we do need to be complete in our work, and not be hampered by the fact that a date is approaching soon that would write us out of existence. I'm hopeful that Congress will be receptive to our request that has been made in Mr. Hall's resolution.

Any further discussion?

[No response.]

CHAIRMAN TUNHEIM: Hearing none, all those in favor say "aye."

[Chorus of ayes.]

CHAIRMAN TUNHEIM: Opposed say "no."

[No response.]

CHAIRMAN TUNHEIM: It is carried. We will communicate that message immediately to the Congress.

DISCUSSION OF PLANS AND TIMETABLE FOR FIRST YEAR

CHAIRMAN TUNHEIM: We have a period of time here on our agenda for discussion, a preliminary discussion, of our plans and timetable for

our first year. I would like to ask members of the Board to give their thoughts on the issue of what is really most important for us to focus our attention on in the first year of our existence.

MR. HALL: Mr. Chairman, I would like to speak to that issue, if I may. I think that there are really two matters that are before us: one, is that this Board is going to have to come to some understanding of what an assassination record is inasmuch as the legislation pivots a good deal of our activity, as well as the agency's activities on that particular question. So I would hope that we would, in fact, work promptly to come to some understanding of what an assassination record is.

I think in the related vein it is extraordinarily important, given the circumstances that have surrounded the past 30 years, that the Board open itself as fully as possible to all of those who have been part of the scholarly research and other community who have examined the events surrounding the assassination. But not with a view to understand how those have been secured, although that would certainly be an incident to what we do, but with a view to understanding where there may be additional records to be secured, since carrying on some effort to hunt and secure is as making decisions about what to and not to postpone.

MS. NELSON: I think we also feel that we should not limit the information to the Washington area, that we would like to put ourselves in the position of hearing from people around the country who, perhaps, can't afford to come here for a long period of time. We have been putting that into our planning process, holding whatever hearings, or whatever we call it, around the country in various places to make sure that we adequately cover the people who would like to offer something to us.

MR. JOYCE: Mr. Chairman, we discussed this morning, when we reviewed the budget, some of the activities that the budget might support. I think it quickly became apparent to all of us that it is important for the Board to establish its visibility with the research community, to take cognizance of and secure information from those who have been actively involved in doing research on the assassination and related events, and for us to engage in a dialogue of sorts. This will allow us to gain information as we work toward a definition of an assassination record and work to identify where those records might be, so that we can communicate fully with the research community on those matters.

MR. HALL: Mr. Chairman, we are cognizant of the fact that the Board has subpoena powers and will hope that it can bring about voluntary presentation of documents that are pertinent to our purpose. But we are

aware that we will need legal counsel, and we are determined by all means at our disposal to fulfill the purpose of the Act.

CHAIRMAN TUNHEIM: I agree with the sentiments that it is important to get out and to have a dialogue with the research community and others who have particular knowledge about records associated with the assassination. Congress did leave to this Board the task of defining what an assassination record is, and that is a very important responsibility, one that I don't think we should firmly define until we have had a chance to have a dialogue with the individuals who are experts in the field.

I think a public hearing process that we could follow and hopefully begin as soon as we have a small staff in place will give us a much better basis for making the critical decision of what an assassination record is and how to define it. We also need some input into other definitions that we need to make associated with the postponement record process.

Finally, we need to hear from people who have suggestions on where we should be looking for records. I can't think of a better way than to hold public hearings and to try to channel and structure them in a way in which people would have the opportunity to come in and tell us. If necessary, we would use our subpoena power, but hopefully that would not be necessary, at least not to a great extent.

MS. NELSON: Which is one reason why we have put a temporary address on our agenda, because we don't have an office yet. We feel that there may be people who want to communicate with us, so we've used the Archives address, and they will hold the letters for us and they will be sent to us. We had no other way of doing this. But we didn't want to put off until we actually had office space to hear from people.

CHAIRMAN TUNHEIM: I think another rationale is that I think it is useful for us to focus our attention on this dialogue early. We are going to need a staff in place to begin the effort to review relevant records.

We need to have a firm definition or at least a fairly solid definition of an assassination record before we go into that effort.

The way our budget is structured right now it is difficult for us to "staff up," so to speak, quickly. The staffing will likely occur primarily once we get into the next fiscal year and we have our first congressional appropriation. That is why I think, in part, it is useful to focus on the public dialogue in the coming months.

Is there further discussion?

[No response.]

CHAIRMAN TUNHEIM: This will serve, I think, as an excellent timetable for us to first focus on securing our budget in Congress for fiscal year 1995, hiring our initial staff, moving into a period of public hearings to have a dialogue with the research community, and then move on into the enormous task of reviewing the records that have been saved for our review.

Anything further on plans and timetables, members of the board?

[No response.]

CHAIRMAN TUNHEIM: If not, I would like to go on to the next, and probably the most important, part of our agenda today, and that is: to have a briefing from Mr. Steve Tilley who has presided over the collection, the JFK Collection, in the National Archives up to this point, and will give us a briefing on the records that are part of the public records secure in the National Archives at this point in time. Steve, I'll turn the program over to you.

JFK COLLECTION AT THE NATIONAL ARCHIVES

MR. TILLEY: Thank you, Mr. Chairman. The Archives established the JFK Collection in late December 1992. Under the terms of the Act, we had 60 days in which to establish the collection, and the collection was established at that time.

At that time it mainly consisted of the records already in the possession of the National Archives here in Washington, D.C., primarily the records of the Warren Commission and the records of the U.S. Secret Service, which their case files had been turned over to the Archives in about 1979.

There were no real significant additions to the collection until August 1993. On August 23, that marked the end of the 300-day review period established under the statute, and at that time we did open additional materials for public use here at the National Archives. Records that were open on that date included: records of the Central Intelligence Agency, records of the House Select Committee on Assassination, records of the United States Information Agency, records of the Security Exchange Commission, and some records of several components of the Department of Justice.

In the time period since that time, we have had additional accessions into the collection of records from various governmental offices and agencies, including: records from the Department of State, records from the Federal Bureau of Investigation.

Now, some recent developments on the collection, which now

consists of approximately 1,000 cubic feet of records, in December we began to see some significant transfers of FBI records. So far, we have approximately 60 cubic feet of records relating to the investigation of Jack Ruby, including both headquarters and field office records. We also have the Bureau's file of their liaison with the Warren Commission, both headquarters and field office records.

We have also accepted all FBI records relating to certain individuals including Marina Oswald, Marguerita Oswald, George Demorenschild, and the Rockefeller Commission. Now, on April 1, about a week, just a week or so ago, we opened the most recent addition from the FBI, and those were the headquarter's files on their investigation of Lee Oswald. Approximately 80 boxes of materials were opened for research on that date. In the weeks ahead, the FBI has indicated that they plan to transfer to us the field office files on the Oswald investigation; and soon after that, the headquarters files on their assassination investigation.

The CIA records which are in our custody, most of which were transferred, as I say, in August, consist of primarily two areas: one is the Lee Harvey Oswald 201 Personality File, consisting of approximately 50 boxes of material; and then there is the second grouping of records which are what we call the "segregated collection of CIA materials." Those records were brought together at the time the House Select Committee was doing its work. They were segregated by the CIA and are now considered to be part of the House Select Committee records, even though for the most part they were originated by the CIA.

As I say, those records were all transferred to the Archives at the end of the 300-day review period. Since that time, the CIA has gone back and revisited the documents they had withheld that were postponed at that time and has released since then 7 additional boxes or 7 additional cubic feet of records 1 foot from the Lee Harvey Oswald file and 6 feet from the segregated collection.

Now, the CIA Task Force is still working on additional records. There were I believe 73 reels of microfilm of CIA materials which were made available to the House Select Committee at that time that the committee was working, and those rolls of microfilm have been printed off on paper, and the CIA is currently working on the review of that material. But no transfer data has been established for that material at this time.

Since the August opening, we have also received the first 15 boxes, which is approximately 6 cubic feet of records of the House Select Committee to Study Governmental Operations With Respect to Intelligence

Activities, also known to everyone as "The Church Committee."

That review is being done by the Senate Select Committee on Intelligence Staff. The committee is continuing its review and is making periodic transfers of these materials to us. The most recent estimate I had from the committee staff indicated they may have as many as 70 boxes of records, but I think that is a very rough estimate and we really won't know for sure until the process is nearer to the end.

Now, the staff of the House Select Committee on Intelligence has also begun review of the House Select Committee on Intelligence, or the "Pike Committee" records that also deal with the assassination. Now, let me say right here that the Church Committee and the Pike Committee, both of which were established by the Congress to look into activities dealing with foreign and domestic intelligence activities of the CIA and other parts of the federal government, only looked at -- the JFK was only one part of their findings, of their investigative work.

Only those records which dealt with the Kennedy assassination are being reviewed under this statute and being turned over to us. There are other committee records which are not being reviewed under the statute, so we are only getting a portion of the records of those two committees.

The Pike Committee staff -- I mean the HSCI Committee staff has indicated that there are only approximately 5 cubic feet of records from the Pike Committee that are relevant to this. Many of the documents are copies of materials they received from the Rockefeller Commission, but at this time there has been no indicated time table on completion of the review.

Now, under Section 5(d) of the statute the National Archives is required to create a database which will serve as an electronic repository for the collection. The database now contains over 92,000 documents. The most recent update of the database incorporated 135 disks from the FBI, and we have also received two disks from the CIA which we are now in the process of reviewing to make sure that the data is properly entered. Then once we complete this review of these disks, then it looks like we will be very close to the beginning of a transfer of additional CIA disks so we can enter the CIA material into our database.

At the oversight hearings held on the statute on the Act back in November, Acting Archivists of the United States Trudy Peterson testified before Congressman Conyers that we were committed to an electronic publication of the database and eventual online access to the database in the future. The National Archives remains committed to that goal.

Researcher interest in the collection has remained high since the opening. Each opening of new materials brings an additional increase in interest from the research community. We have received since August 23 over 400 written inquiries alone, written inquiries; and the orders, the number of orders for reproductions, and the number of telephone inquiries and the number of researchers visiting the Archives have also been at a steady level. Contrary to a recent article in the press, I would say that the interest in the assassination is not waning, at least not that I see.

On March 1, the John F. Kennedy Access staff began the move of the John F. Kennedy Collection to our new facility at Archives II out in College Park, Maryland. The location of the collection at our new facility allows the researchers to complete all their research in one research facility. The location of the collection at Archives II provides NARA with the opportunity to ensure the preservation and security of these valuable records in a state-of-the-art facility.

Reference service resumed at Archives II on April 1. That was also a day we opened the Harvey Oswald FBI records; plus the most recent records from the Church Committee staff, the review; and then we also had some additional records from the John F. Kennedy Library, which I will address in a minute. Now, the staff of the National Archives has continued to process assassination records that are in our custody, the possession of the National Archives.

As an example of that, on April 1 we opened five boxes of materials recently reviewed by the staff of the John F. Kennedy Library. These records consist of desk diaries, telephone logs, and telephone messages of Robert F. Kennedy that were created during his service as Attorney General. Those records are currently open at our facility at Archives II, and there has been a great deal of interest in those records, as I'm sure you can imagine.

Also, during the 300-day review period, and since then, the Archives has been involved in the continuing review of documents have been referred to other agencies for review. The statute required that each originating agency make a determination as to whether or not a document could be released or postponed, and so that has required every agency holding assassination records to take part in a referral process, where they would refer those documents to the originating agency for a determination on disclosure.

The Archives has been involved in referring documents from the

Warren Commission and from the records of the House Select Committee to other agencies for review. By the same token, we have also been the recipient of referrals from other agencies, particularly or primarily of records of the Warren Commission, but also Rockefeller Commission records and other things like that. So we have also been playing a role in this referral process, and that process will be ongoing for some time.

In conclusion, let me say that the John F. Kennedy Assassination Records Collection is continuing to grow. There will be additional major additions to this collection in the weeks and months ahead. There are also additional records which we probably are not aware of yet that will be added to the collection.

Recently, we became aware of some Post Office Department records which were in our Records Center in Suitland Maryland, recently came to our attention. Those records deal with the Postal Department investigation of the purchase of the rifle, and so we have been in touch with the Post Office Department to begin the process of the data entry on that material.

So as I say, the interest is high in this, in this subject, and the collection continues to grow. We will be continuing to work with the public and we look forward to working with -- I look forward to working with -- the Board in the weeks and months ahead to make this process work.

Thank you, Mr. Chairman.

MR. TUNHEIM: Thank you very much, Steve. I think the board members have some questions for you.

Bill, do you want to begin?

MR. JOYCE: Well, if I might start. Steve, what is the overall size of the collection?

MR. TILLEY: Well, right now based on our estimates we used for the numbers of pages that are in our various containers, we estimate right now approximately two to 2.5 million pages are in the collection. That is a very rough estimate. I must say that we at the Archives don't necessarily count pages. I haven't had time to count pages, but I think that is a viable estimate, based on what we normally -- on the weight and the types of containers that we use.

MR. JOYCE: These constitute records from a fairly wide array of government agencies?

MR. TILLEY: Right. We have records from a large number of government agencies; also from, as I said, the Congress, the House Select Committee records, the Church Committee records; and we also have some District Court records and some records of the Court of Appeals. There

were a number of federal court actions which grew out of the assassination and so we have, where we are aware of those cases we have, gone forth and gotten copies of those records to add to the collection.

MR. JOYCE: Could I just, one other question: Can you infer from the many contacts that you have had with a variety of agencies and other departments of government, can you infer any estimate about the bulk of the records that you think we may find still out in agencies scattered about not only here in Washington, but more widely?

MR. TILLEY: Well, the agencies have never really given us a hard-and-fast figure as to exactly how many pages of assassination records they have. They have made estimates about certain groups of files that they have in their possession. When transfers have been made, they usually provide what I'm sure are fairly accurate page counts for the materials that are transferred.

I only have rough approximations of materials that may still be in their holdings. It is very difficult to say exactly how many more records may still be out in the possession of the various agencies. Then a corollary to that point is the fact that the work of this Board in its defining of an assassination record could significantly add to those numbers.

It's a tough guess, it's really tough for me to estimate exactly how many pages are still out there.

MR. JOYCE: Thank you.

CHAIRMAN TUNHEIM: Go ahead.

MR. GRAFF: I take it that up till now, until we offer another definition, what constitutes an assassination record is determined by the agency?

MR. TILLEY: That's correct. In the review process so far, each agency has been the determinant of what is an assassination record.

Now, in my role as the Archives' liaison to the agencies involved, we have discussed what are, perhaps could be, should be an assassination record and what is not. I know that there are many agencies that have questions about this, but they have been waiting for the Board to come into existence so they can bring those issues forward.

Right now, the Archives has no authority under the statute to tell agencies what is or what is not an assassination record. That is clearly the Board's role. As of now, what has been determined to be an assassination record has fallen within each agency's purview.

MR. GRAFF: Thank you.

CHAIRMAN TUNHEIM: Anna?

MS. NELSON: Actually, I have a couple of questions. One is, Steve, a lot of this must be duplication. Because the CIA must have in its collection what it sent to the House Assassination Committee?

MR. TILLEY: That's correct, there is.

MS. NELSON: So that there is a lot of duplication here which I assume gets straightened out in the database.

MR. TILLEY: Yes. I think that was one reason for the database, was the attempt to deal with the massive duplication of items within this world, the collection itself.

MS. NELSON: That's right.

MR. TILLEY: Yes, you are correct, there is duplication. Each investigative agency or group, if you will, that has looked at the assassination went out to the various agencies which had documents and asked for copies of those documents. You have several sets of everybody's files in the holdings of each assassination agency, depending on how widespread their calls were.

Of course, in many instances not only did those groups ask for records from the agencies, but then they would turn to the National Archives and ask for records from the records of the Warren Commission which would then produce extra copies of those same documents again. Yes, there is a very, very large problem of duplication throughout these files.

MS. NELSON: It comes out in the database?

MR. TILLEY: Sure. Yes, we are able to find, we can search on all fields of our database. The question of duplication is solvable through that but, you know, it is still a big problem.

MS. NELSON: The other question I have is the Rockefeller Commission. I mean, the Rockefeller Commission you mentioned twice, and we all know something about it. How much of their business involved records that were not available, and how much of it involved records that were?

MR. TILLEY: Well, first of all, the records of the Rockefeller Commission are housed at the Gerald Ford Library in Ann Arbor, Michigan.

MS. NELSON: Yes.

MR. TILLEY: The staff of the Ford Library spent the review period reviewing the records of the Rockefeller Commission and opening those records which could be opened under the statute. Approximately six boxes of materials although those boxes are not totally full, I might add -- well, they are, some of them -- but approximately six boxes of records were looked at and were opened up.

What the Ford Library staff found was that the vast majority

of the holdings of the Rockefeller Commission consisted of records of the Central Intelligence Agency. The review of the Rockefeller Commission is basically contingent of CIA review of their documentation.

What we have decided is that, hopefully, in the near future the CIA will send a review team to the Ford Library to save the cost of what would be an expensive reproduction job of a massive amount of CIA documentation. That is something that we, myself as the head of the collection, discussed with them and we have agreed to that, and I think that it will take place in the future. But that is still something that has to happen.

MS. NELSON: Well, that means they are not on your database yet?

MR. TILLEY: That's correct, they are not on the database.

MS. NELSON: So that there is no knowledge of the duplication there yet?

MR. TILLEY: No, not as of now, that is correct.

MS. NELSON: It makes a difference.

MR. HALL: Mr. Tilley, does the Archives have in its possession any materials that have not been disclosed?

MR. TILLEY: Yes. Yes, we do.

MR. HALL: Can you give us an idea what the character and nature of those materials are?

MR. TILLEY: Well, first of all, the Archives staff reviewed the records of the Warren Commission that had not been previously released as of the time the law was signed. For those documents for which the National Archives has the final disclosure authority, five documents have still been withheld in some part, mostly for reasons of personal privacy. Although, there was one document which we withheld a portion of it at the request of the Department of State, but it was a Warren Commission document, so we had the final say on it.

Now, having said that, we have many, many copies of other agency-originated documents which are tied up in the review process, in the referral process, at this time in which determinations have not been reached on those yet. Of course, all of those documents consist of copies of documents those agencies are reviewing themselves. In doing their overview there, they are in effect reviewing those items also at the same time.

The Archives also has and had in its custody at that time the Criminal Division of the Department of Justice's main file on the

assassination. It had been turned over to us some time ago. It was screened for release in 1991 by the Access staff of the National Archives, and the vast majority of the file was opened for research at that time. However, a portion of the file was still withheld at that time for various reasons under our general restrictions, the general restrictions of the National Archives. Those documents have been entered into the database, and the referral process on those documents is proceeding.

The Archives was deputized by the House Rules Committee, which has jurisdiction over the records of the House Select Committee on Assassinations, to act as its agent during the review of the HSCA records.

A special task force was hired to do that review.

While the result of that review brought forth about 98 percent of the records of the HSCA, Archives personnel working in conjunction with the House Rules Committee staff did recommend for postponement or referral about 2 percent of the records of that committee.

That process has been going on, and many documents that were, in fact, referred have been opened up since the opening of the collection in August, but there are still some items that are still under review. Particularly, we are working on the tape recordings of some of the testimony, the immunized testimony, given by witnesses in executive session. That is one major aspect of those records that are still being reviewed.

I'm sure, as anybody who has ever been involved in tape recordings realizes, that is a very difficult technical issue in addition to the issues, in addition to the issues of whether or not we are going to postpone portions. That is also ongoing.

Finally, there are still records that are in the possession of several of our presidential libraries which have not been disclosed under the Act yet, and there is an ongoing review of those materials. As I mentioned earlier, the Robert F. Kennedy materials were recently opened and added to the collection. But there are other materials in the possession of the libraries that are still under review, or perhaps still the question of whether or not they are, in fact, assassination records still needs to be addressed. In answer to your question, Dr. Hall, I would say those are the major areas where the Archives still is holding records.

MR. HALL: Where those records are held by the Archives but they do, in fact, belong in a sense to another entity, the motion to postpone or at least to bring the case before us would come from the Archives or from the other entity?

MR. TILLEY: Well, I think we would present it, the Archives

would present it, as withheld. They are in our custody. But obviously the decision to make the postponement is from the originating agency, and the case for the position of whether it should remain postponed would have to come from there.

MR. HALL: If I may, Mr. Chairman?

CHAIRMAN TUNHEIM: Go right ahead.

MR. HALL: Do you have any sense of where the Congress, both the House and the Senate, stand in relation to any other records that may have been generated, either in the course of the investigations that you've met or in the course of other private, confidential proceedings carried out by Congress?

MR. TILLEY: You mean whether they intended to be within the collection?

MR. HALL: Yes, right.

MR. TILLEY: Oh, yes, I think the Congress' intent was that this collection should include everything that was relevant to this collection.

MR. HALL: Okay. That's the question I asked, but it's not necessarily the question I meant to ask. The question I meant to ask is I'm trying to get some understanding of what the scope of materials that are related to Congress that remain outside the purview of your database, that is: Do you have any sense of what is there that the Congress has that has not been brought forward to you?

MR. TILLEY: I expect it's possible that there are other committee records held by the Congress that may have some relationship to the assassination, but the statute specifically mentions the records of the HSCA, the "House Select Committee on Assassination," the Pike Committee, and the Church Committee. It also specifically mentions records in possession of the Library of Congress.

MR. HALL: That's right.

MR. TILLEY: And nothing has been done on that front whatsoever, as far as any holdings of the Library of Congress, any manuscripts in the holdings of the Library of Congress which may be relevant to this inquiry.

MR. HALL: Well, this is a particularly interesting area, I think, for Board contemplation inasmuch as some of those documents are entered into the Library of Congress with donor agreements, which raise questions about whether the donor agreements are, in fact, subject to the law.

MR. TILLEY: Yes, that's correct. The law talks about the

existence of donor agreements and how that fits into the collection. I think, as you all aware, the Conference Report clearly charges this Board to look into those questions and to see where that fits in with the overall context of this collection.

MR. HALL: If I may, Mr. Chairman?

CHAIRMAN TUNHEIM: Go right ahead, Mr. Hall.

MR. HALL: The materials that have been turned over to the Archives, the JFK Collection, that have come from the various intelligence agencies, could you speak to us on the state of redaction of those materials, and what implications the policies of redaction practiced by FBI, CIA, or other bodies might be for our purposes?

MR. TILLEY: If I may, I will sort of respond to that in piecemeal, looking at each of the various agencies that you mentioned. The review by the FBI, in my estimation, has resulted in significant releases of new information, I think. In saying that I don't mean as far as smoking guns or things like that, but I think there has been an increase in the amount of information that the FBI has made available under this statute.

For the most part, as I look at FBI records as they come in to us, there are very few redactions in proportion to the amount of material that is there. That does not mean that they are not withholding information, they are. Their most recent transfer of the Oswald materials, their press release indicated they have made redactions in 1,211 pages, 1,211 pages.

Now, that is a lot of pages obviously. But when you are talking about 50,000 pages of records or probably maybe a little more, the percentage obviously there is quite small. I think percentagewise the FBI releases have been pretty full, and they don't really withhold that much information.

By the same token, I think the review of the Central Intelligence Agency is similar in that the CIA has made available a lot of records that were not available before. When you talk about the percentage, if you will, of redactions, you are not getting, in my look at the redacted documents or the documents that have been released you are not getting, wholesale redactions of documents with only a five-page document, and you get the to and from and that's all. That is not what we are seeing.

We are seeing precise redactions of phrases of perhaps sentences of perhaps an occasional paragraph, and sometimes the whole document. Obviously, there are whole documents withheld, obviously there are. I expect the percentage of documents or information withheld is probably higher in their files than in the FBI files. I say this strictly off the top of my head, having looked at this material. I have not done any counting.

But if you are asking for my interpretation of what I have seen, I think we have seen a lot of new material coming out from those agencies. The Secret Service has not really turned over very much information to us. They have turned over the bulk of their material to us.

They have released the shift reports for the November 22, 1963, that they had not released before. We just have received that fairly recently, and haven't even had a chance to get it into the collection yet. There is some postponement in there, but that would be under Section 6, Part E, which recognizes the protection of measures to protect the President.

The only other major intelligence agency, NSA has released a small amount of material to us, but they have withheld material, too, and it is tough to say about that.

MS. NELSON: What about DIA?

MR. TILLEY: DIA has a similar issue. The Defense Intelligence Agency has also released some material to us, withheld others, other documents. Most of what they have released consists of requests from the various investigative bodies, primarily the House Select Committee, for documentation. The documents of theirs that they have released primarily are the ones which say we don't have anything. The ones that had substantive releases don't seem to have been released so far. Those are the four major intelligence-gathering agencies we have been dealing with.

MR. HALL: Do you have any sense from any of these agencies of specific kinds -- I take back "specific," general kinds of records that they are holding for our consideration?

MR. TILLEY: The question of the involvement of organized crime within the assassination is an area which the FBI particularly wishes to discuss with this Board and just where the organized crime issue fits into the collection. I think that is an issue which they are particularly interested in and would like this Board to address.

With the CIA, I think I don't really have a firm handle quite as much on some questions that they are not sure about. I do know that within the microfilm material they have indicated that there are some parts of that microfilm that they think may not be relevant to this inquiry and would wish to address that with this Board. As to the specifics of what those areas are, I do not know.

MR. HALL: One final question, Mr. Chairman. Would you, perhaps, characterize for us the success of the major agencies in conforming with the law up to this date?

MR. TILLEY: Well, I mean, I think overall the response of the

agencies has been good. While not everybody met the deadline for the initial 300-day review period, I think that those of us who have been in this for a while would argue that perhaps 300 days simply was not enough time to take on what was, in fact, a huge project.

I think many agencies have been surprised perhaps at the volume of material that they, in fact, did have in their possession, and I think everybody was surprised and, frankly, taken aback by the amount of time, the data entry, and the data collection on each document required in order to get it into this database.

Obviously, in addition to that, there have been many technical problems with dealing with data entry that have required Archives' personnel, our computer people, to go out and solve the system which we did not have to do. The database which we devised was required by law to be set up in 45 days. Because of that it was a fairly simple system.

In addition, it had to be useable in almost any kind of hardware government wide, which also made it a fairly simple system. Based on that, I think that lead to some problems. There were obviously going to be some problems with the system being compatible with various pieces of hardware.

I think the computer problems were part of the problems that lead to some of the delays.

But I think overall the response of the various agencies has been quite good. Once they got up and running and had the people necessary to do the job, they have been able to move quite efficiently.

MR. HALL: Mr. Tilley, I want to thank you for being such a big help to us over the past several weeks. You have performed with an extraordinary degree of professionalism that has been much appreciated.

MR. TILLEY: Well, thank you very much. It has been my pleasure to be assistive, and I look forward to working with the Board in the future.

CHAIRMAN TUNHEIM: I have just a couple of additional questions for Mr. Tilley. How many agencies would you estimate are there that potentially hold assassination records within any reasonable definition of the term "assassination record"?

MR. TILLEY: Let's see, I should have counted before I came, obviously. We have records from the major cabinet agencies, for the most part, the ones that you would assume: Department of Justice, Department of State, CIA, the FBI, the United States Intelligence Agency -- I mean, the United States Information Agency; the SEC, we have actually two documents from the SEC when they closed the stock market after the assassination and when they opened it, they did turn over those two documents to us; DIA,

NSA --

MS. NELSON: Atomic Energy.

MR. TILLEY: No, AE. No, we do not have anything from them yet, Atomic Energy Commission.

MS. NELSON: Department of Energy, we have no records from them. National Park Service, we had some photographs taken of the funeral procession. That's what we have, some National Park Service records. We have some U. S. Air Force records, we have some Department of the Army records. From the various agencies, we have the ones you would think that we would have records of.

As part of the process of getting started, we provided notice to agencies about organization, getting the collection up, and we put out "Federal Register Notices" asking for agencies to provide us with information. We did get letters from a large number of agencies telling us, in fact, that they did not have any assassination records. I will provide the Board with that list of agencies, so you will see the ones who, in fact, responded to our "Federal Register Notices."

I would say right now we probably have between 15 and 20 different executive branch agencies with records, in addition to the court system and then the Congress and then of course the presidential libraries. We have records from five presidential libraries.

CHAIRMAN TUNHEIM: Do you see any agency where there is a need for immediate Board intervention to encourage compliance with the Act?

MR. TILLEY: You know, I don't know about compliance with the Act, but I think several agencies want the Board to immediately look to their questions to help them with the process, to help them make some decisions so they can then look to where they need to channel their efforts.

I really don't think there has been any -- I would hate to say, you know, I don't think there are really any agencies that have just simply refused to comply with the Act. I think once they were aware of the fact that they had records, that they have been willing to do the work. But that work is continuing. As I say, we continue to find there are records that agencies simply did not know they had in their possession.

CHAIRMAN TUNHEIM: Do you have any estimate yet on the locations of groupings of records that may be outside of the federal government, outside of the Washington, D.C. area?

MR. TILLEY: Yes. In the state of Texas, there are several archival repositories which hold records which obviously are related to the investigation of the assassination, and I think would be of great interest

to researchers who are doing work in this area.

Just as an example, the records of the Attorney General of the State of Texas, a gentleman named Wagner Carr, Attorney General at the time of the assassination, I believe are at the Archives of Baylor University.

Several researchers have mentioned to me since I have been involved in this project that there are records down there that are quite interesting as far as understanding what happened at least in Texas and the follow up of the investigation in Texas.

CHAIRMAN TUNHEIM: Closed records?

MR. TILLEY: I don't know if they are opened or closed, but they would certainly be of interest. There are probably records that many people don't know exist, quite frankly. Another place is in New Orleans.

All of the records of the trial of Clay Shaw, for the most part, are State of Louisiana records. The Review Board needs to look into the question about those records for the State of Louisiana and coordinate those records within the collection. I might say that most of the trial transcript of the Clay Shaw trial are part of the collection as part of the records of the House Select Committee. But the backup, the records of Jim Garrison's office and his other investigators are not nearly as well represented within this collection. Now obviously Garrison was interviewed by the committee and other individuals who were part of those actions in New Orleans in 1967 are part of the collection, but overall I don't think you can say that those records are well-represented within this collection at this time.

CHAIRMAN TUNHEIM: One area, one more question and I'll ask that Mr. Graff ask questions. The Act requires the Board to seek out records that are currently protected under seal of the court. What different types of documents are you aware of that are currently protected by a court order that the Board needs to focus its attention on?

MR. TILLEY: Well, the one particular thing that I'm aware of are the interviews that were conducted by William Manchester in the writing of his book, "The Death of a President." As I'm sure many are aware, that book caused quite a consternation at the time it was about to be published, and there was a court action over whether or not certain information Mr. Manchester had elicited during his interview should be part of that book.

Eventually, many of those interviews and other documents were placed under court seal. I would think that is probably the most well-known aspect of a part of materials that are sealed.

It is very possible there are materials in the Garrison, the Clay Shaw trial that may be under seal. I think that would be another area

where this Board would want to follow up on that. Now, there are other federal court records. I should have mentioned earlier that we are aware of the fact that Clay Shaw actually sought protection from Jim Garrison in federal court following his acquittal in New Orleans.

We are working on getting those additional federal court records up there to be part of the collection there. They are currently in the custody of our branch, of our regional Archives branch in Fort Worth, Texas.

We are working with those folks to get those records up here to. Whether or not there is any sealed material in there, I don't know at this time.

CHAIRMAN TUNHEIM: Mr. Graff?

MR. GRAFF: Mr. Chairman, in connection with the search, how about the foreign collections? We are under legislative injunction to go ahead and seek out material from the Soviet Union, I assume from Mexico, and elsewhere. Have we had any success? Has any of that material been sought?

MR. TILLEY: Well, the only thing that has resulted from, if you will, a foreign search of records is that the State Department was told under the Act to contact the Government of Baleares in order to find out what records that may have been in the possession of that government that dealt with Lee Oswald's time when he was in Minsk. In fact, the State Department has done that, and those records are part of the State Department records that are in our custody. That is the only instance that I am aware of where we have sought government records from foreign governments.

MR. GRAFF: Nothing from Mexico?

MR. TILLEY: Nothing from Mexico, and I don't think there has been any attempt to try to do anything along those lines at this time.

MR. GRAFF: You judge there should be an attempt?

MR. TILLEY: Well, I would think that that's an obvious venue for this Board to look, because the investigation of Oswald's activities in Mexico City in September and October 1963 are currently one of the hottest topics among people who are interested in the assassination. That is the one reason that the Summary Report written by the House Select Committee staff, the Lopez Report, was made available on the opening on August 23.

We were specifically requested by the House Rules Committee to have that document available for release on that day because of the intense interest in it. Obviously, the interest in that document means there is probably more information in there.

MS. NELSON: Or it could also be another place, and that is where Oswald stopped when he was returning to the United States from Europe.

MR. TILLEY: Yes, the various places he stopped on the way in returning from the Soviet Union, yes, as he made his way through Western Europe.

MS. NELSON: Let me pursue the question of donor-related documents, collections. Nobody has approached the Library of Congress; is that correct?

MR. TILLEY: We have not, no.

MS. NELSON: Right now, you do know of donor collections in the presidential libraries?

MR. TILLEY: That's correct.

MS. NELSON: In general, there are many different ways in which they have restricted the records?

MR. TILLEY: Well, donated material operates under -- there is an instrument called the deed of gift, and the deed of gift controls the way access is provided to the materials that are covered by the deed.

MS. NELSON: Do the library directors or the chief archivists in the libraries that are involved -- Kennedy, Johnson, and Ford in particular -- in fact, where are the other two libraries?

MR. TILLEY: Well, the Carter Library had a little bit of material and the Hoover Library had the custody of the papers of Clark Mullenhoff, which contained a small amount of material related to the trial, to the Shaw trial.

MS. NELSON: Oh, okay. But in those three libraries, do you have a sense of other donor gifts, other collections of papers that perhaps might have information in them?

MR. TILLEY: Oh, sure, there are other collections in the various libraries that currently have not been processed under the Kennedy Act yet. The library staffs have been in touch with the donors, asking them whether or not they will agree to the release of the documents under the terms of the Kennedy Act. But in many instances that process has not been completed yet, or the donors have not made a decision on those items.

MS. NELSON: Has anybody said no?

MR. TILLEY: Yes, one donor at the Kennedy Library has said no. I think it was a tentative no, and not absolute no. But that is the only one.

Now, I might say that the Ford Library, all the materials at the Ford Library are covered by President Ford's deed. The President, Former President Ford, has said from the very beginning that he has no objection, that everything dealing with the assassination should be made available

under the Act.

At the Johnson Library, the materials that we are talking about are covered primarily by two deeds, most of it is the John Connolly deed.

And all of John Connolly's record, even before the law was signed John Connolly contacted the library and instructed them to release everything from his papers that related to the assassination. And, in fact, it has been done.

The vast majority of the rest of it is covered by the Johnson deed, and the Johnson Library has been working under that. Now, there are I believe four or five oral history interviews which have not been disclosed yet, and the Johnson Library staff is in contact with the donors of those oral history interviews. The Kennedy Library, they are working with their donors in trying to resolve issues up there.

MS. NELSON: The information that they released from the Robert Kennedy papers in the Kennedy Library, was this the extent of what is in the Robert Kennedy Collection?

MR. TILLEY: No, it's not. The Robert Kennedy papers primarily are in three major groups, they are: his pre-Attorney General papers, if you will, up to 1961; then his Attorney General papers; and then his Senate papers, which include his campaign for president. Many series from all three of those segments of his files have already been made available under the deed of gift. I would say that probably 65 to 70 percent of those series have been already processed and released from the Robert Kennedy papers.

There are a couple of series from his Attorney General papers that still have not been processed for release. But the desk diaries, the telephone logs, and telephone messages from one of those series, and that process has been completed.

MS. NELSON: So they are all under a deed?

MR. TILLEY: Well, my understanding is that there is not a deed for those papers. They are actually under what we call a deposit agreement.

CHAIRMAN TUNHEIM: Any further questions for Mr. Tilley, Members of the Board?

MS. NELSON: I'm sure we will have more next time.

CHAIRMAN TUNHEIM: I just want to echo Mr. Hall's comments. Mr. Tilley, you have been very, very helpful to us, and I think this was a very, very helpful and thorough explanation of the status of the collection and where it exists today. We appreciate your terrific level of cooperation with us.

MR. TILLEY: My pleasure.

CHAIRMAN TUNHEIM: Are there any other items, Board Members, that we need to address today?

[No response.]

CHAIRMAN TUNHEIM: Seeing none, I would like to just make one final comment and invite board members to do as well, if they would like to.

I look forward to a very helpful and cooperative relationship with the research community and those who have a special interest in the assassination records and materials. We need assistance and, we are hopeful that we can reach out and have the kind of dialogue that would be helpful to us so that we can achieve the important goals in the law.

I think our goals are the same as yours, public disclosure of all of the relevant records as soon as possible. We look forward to the public hearing process, where we will have the opportunity to hear from members of the community who are interested and have information that is relevant for us.

Any further comments?

MR. JOYCE: Only that it's nice to know that we are finally on our way.

MS. NELSON: Yes.

CHAIRMAN TUNHEIM: We are all glad to be here today. It has been a long period of time.

MR. HALL: We are all happy about that.

ADJOURNMENT

MR. GRAFF: I move that we adjourn.

CHAIRMAN TUNHEIM: Is there a second?

MR. JOYCE: So moved.

CHAIRMAN TUNHEIM: All those in favor say "aye."

[Chorus of ayes.]

CHAIRMAN TUNHEIM: Opposed?

[No response.]

CHAIRMAN TUNHEIM: The meeting is adjourned.

[Whereupon, at 3:20 p.m., the meeting was adjourned.]