

Assassination Records Review Board

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

MEMORANDUM

June 21, 1995

TO: The Board

FROM: David G. Marwell
Executive Director

SUBJECT: Update

Notice of Board's Formal Determinations

In accordance with the Act, we sent notice of the Board's formal determinations reached at the June 7 meeting to the President, DCI Deutch, and the Federal Register.

New Orleans

The Board and staff will meet in New Orleans on Tuesday evening, June 27, 1995. We will try to arrange (with Anna's help) a Board dinner.

The hearing will be held at 10:00 a.m. in the third floor auditorium of the Old U.S. Mint Building, located at 400 Esplanade Avenue, in the French Quarter. The Board will hear testimony on the identification and location of assassination records in New Orleans and receive an update by a representative from the National Archives on the President John F. Kennedy Assassination Records Collection. The hearing will conclude at approximately 1:00 p.m. The Board will reconvene after lunch for a scheduled Board meeting.

The media will be advised that members of the Review Board will be available for interviews in the third floor auditorium prior to the public meeting at 9:30 a.m.

Tom has assembled the following witness list and will provide a detailed briefing memo with suggested questions by the end of the week.

The Honorable Lindy Boggs. Former Congresswoman and wife of the late Congressman Hale Boggs, who was a member of the Warren Commission, Ms. Boggs will "introduce the Board to the City of New Orleans."

New Orleans District Attorney Harry Connick. (Tom deserves special credit for his persistent and persuasive approach to Mr. Connick).

Wayne Everard, Archivist, City of New Orleans Archives. He oversees records at the New Orleans Public Library that are from the investigation into the assassination of President Kennedy conducted by former New Orleans District Attorney Jim Garrison.

Dr. Michael L. Kurtz. Professor of History at Southeastern Louisiana and author of *Crime of the Century*, a 1982 book on the Kennedy assassination.

Stephen Tyler. Producer and director of the 1992 documentary "*He Must Have Something: The Real Story of Jim Garrison's Investigation of the Assassination of JFK*," Tyler has agreed to donate his collection of taped oral histories.

Cynthia Anne Wegmann, Esq. Daughter of the late Edward Wegmann, a member of the legal team which defended Clay Shaw at his 1969 assassination conspiracy trial, Wegmann will donate her father's papers.

Steve Tilley. Steve will give an update on the Collection. We are waiting to hear on the status of other witnesses, including New Orleans District Attorney Harry Connick, Sr.

Lyon Garrison, son of Jim Garrison, has agreed to donate his father's papers to the Collection but declined to testify at the hearing.

Personnel

Jerrie Olson started on June 12 as executive secretary. Jerrie sits in the station outside my office and, in addition to supporting me, will act as secretary to the Board. In addition, Tammi Long joined the staff on June 19 as an analyst on the FBI team. Tammi is a recent graduate of Emory University School of Law in Atlanta. Congratulations are in order for Phil Golrick who has been promoted to Chief of the FBI Team. Phil has been serving in an acting capacity and has done an outstanding job.

In addition, I have decided to make the following changes in organizational titles:

The Analysis and Review Section will henceforth (and forevermore) be known as:
Research and Analysis Section.

The Chief of the Research and Analysis Section will have the title:
Associate Director for Research and Analysis

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Team Leaders will have the title:
Chief Analyst for (Team)

The Press and Public Affairs Officer will have the title:
Associate Director for Communication

The Administrative Officer will have the title:
Associate Director for Administration

High School Interns

Thirteen 1995 honors graduates of Noblesville, Indiana High School recently completed an internship with the Review Board from June 12-15. The students created a database of summaries of Warren Commission testimony that is accessible to all staff members. Each entry in the database lists the name of the witness, the volume and page number where the testimony can be found, the reason the witness was called to testify, and a one to two paragraph summary of the testimony. In three and a half days of work, the students completed 271 entries. They were also given unclassified briefings by various staff members on the activities of the different teams within the Review Board staff.

The students very much enjoyed their experience; nearly half have already requested to come here again next summer. The staff also enjoyed the experience and would be open to another project of a similar nature. Christopher Barger planned and supervised the work of the students and did an outstanding job.

Recent Meetings of Note

Senator Kerrey's Staff (June 8) – Senator Kerrey is on our appropriations subcommittee and is also ranking member of the Intelligence Committee.

CIA (June 13). We met with John Periera and HRG staff to inform them of the Board's determinations reached at the June 7 meeting. Since the meeting, we have heard that news of the Board's actions has been received with alarm in the DO. We have been told that the DO has "finally understood" what the Act is all about....

White House Counsel (June 8). We met with Marvin Krislov of the White House Counsel's office to discuss the President's role in the review process. Krislov agreed that agencies should alert him within seven days of the Board's official notification if they wish to appeal a Board determination. He indicated that the White House would attempt to make a decision within thirty days of an appeal.

NARA (June 19). We met with representative of NARA's Office of General Counsel and Projects Branch to discuss a mechanism for the donation of private records to the JFK

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Collection. We believe that we have devised a satisfactory solution that would allow the Board to accept donations on behalf of the Archives. More work needs to be done on this, and we envision a memo of understanding or an exchange of letters with the Archivist that would define the process.

Legal Issues

Our announcement for the General Counsel position will appear this week in the *Washington Legal Times* and the *Legal Employment Report* and will close on July 14. In the meantime, Jeremy continues to wear two hats and has done an outstanding job in working to ensure that the Review Board is in compliance with relevant federal law as soon as possible.

Sunshine Act. We have the tentative permission from OMB to publish our Notice of Proposed Rulemaking on the Sunshine Act, although we are awaiting final confirmation on Monday. We hope to have the proposed rules at the Federal Register by Monday afternoon. This is the regulation with which we must comply most promptly.

Definition of Assassination Records. We are still awaiting final approval from OMB.

FOIA regulations. The staff sent draft proposed FOIA regulations to the Review Board and to OMB. Anna called in with some helpful suggestions. All of her suggestions that can legally be included have been added to a new draft. Laura's work has been particularly valuable to us. The staff is awaiting the return of the notation-voting forms from the Review Board members.

Privacy Act regulations. Jeremy is in consultation with several government offices in pursuit of recommendations concerning some of the more difficult problems we have in complying with the Privacy Act. Jeremy completed a draft of proposed Privacy Act regulations and distribute it to the Board in New Orleans once we obtain further advice from OMB and the Justice Department.

Board Voting and Quorum Procedures. The Board is being sent some proposals for voting and quorum procedures that the Board may discuss, amend, and adopt in New Orleans. It will be helpful if the Board can adopt procedures to govern its future deliberations.

Declassification authority. Jeremy has written to Steve Garfinkel at the ISOO to obtain authority for the Review Board to declassify documents. Having such power would facilitate a more orderly transfer of records to the National Archives.

Research and Analysis

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NSA. Jeremy visited Ft. Meade on Thursday, June 16 to review the NSA's response to our first request for information. Because the response contains SCI-classified material, we need to review it at NSA until our SCIF is fully cleared. The response was in many ways disappointing, although there was some limited useful information on which the Board may wish to be briefed orally. The NSA apparently has additional records (including an Oswald file) that have not been reviewed under the JFK Act. Jeremy requested the following from NSA: (a) to set up a time when all of the NSA materials can be reviewed; (b) to set up interviews with NSA analysts who worked on relevant projects during 1963; (c) to review a relevant internal NSA publication; and (d) set up a time to speak with the NSA historians about a new and relevant project on which they are working.

Secret Service. John Machado of the Secret Service responded to our request for a status report from the Secret Service. He sent us a written response (which was not extremely informative) and an oral response during his visit to our offices. [See Joan's agency contacts for additional information.] Joan has also identified some additional assassination-related material that had not previously been described by the Secret Service.

HSCA. The staff began to review the handwritten notes prepared by the HSCA staff.

FBI Team

The FBI team has selected a number of FBI documents for review by the Review Board during the July 17-18 meeting. On June 9, the FBI received a Request for Evidence form for each document, along with notification that these documents had been scheduled for review at that meeting. We believe that, consistent with its own current guidelines, the FBI should agree to release some of the material now postponed in these documents, and are discussing those postponements with the FBI. We are also researching the subjects of the documents slated for review at the July 17-18 meeting, in preparation of staff recommendations regarding the postponements therein.

CIA Team

CIA team is currently preparing all of its remaining Mexico City documents for the next Board Meeting, including making additional requests to CIA for information and updating our information logs and document tracking tables. Analysts on the team have also visited NARA's Center for Legislative Archives to look at classified HSCA records and discovered that CIA is still withholding and has not transferred to NARA some of the most sensitive of these. Two team members will go to CIA next week to look at these withheld documents. In addition, anticipating the transfer from CIA of the first boxes of Oswald's 201 file, which we specifically requested at our June 13 meeting with HRG, we are preparing for the sequential

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review of these records when they arrive. The CIA team also has responsibility for the State Department, and two team members recently reviewed postponed documents at State, procuring the immediate transfer to ARRB of most of this small collection (only 3rd agency referrals and Passport Office records remain). Mary has also looked at Mexico post files at the Washington Federal Record Center in Suitland and found a small file of JFK assassination-related materials that should be incorporated into the JFK Collection. Steps to put this into process will begin as soon as State's liaison to the ARRB returns from vacation.