

## M E M O R A N D U M

To: Review Board  
From: T. Jeremy Gunn and Tom Samoluk  
Date: January 4, 1995  
Re: Preliminary Review of HSCA Documents

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### BACKGROUND

The National Archives was responsible for the initial review of documents from the House Select Committee on Assassinations (HSCA). The Archives created a "Records Identification Form" (RIF) for each document it reviewed. When the record originated outside of the HSCA staff (e.g., CIA), the Archives sent a copy of the record to the originating federal agency for review. For those records that originated with the HSCA staff and that were subject to immediate disclosure, the Archives sent a copy of the record to the JFK Collection at Archives II. (The originals of these records are in a vault in the main Archives in D.C.)

### SEGREGATED HSCA RECORDS

There are two types of records, however, for which the Archives made no decision: first, records created by local agencies (usually police departments); and second, records created by the HSCA staff that contain sensitive information that raise privacy concerns. Copies of these two types of records were segregated from the remainder of the files and total two "bankers' boxes" (approximately three feet).

We spent approximately five hours reviewing the two segregated boxes in the vault. Although we did not complete our review of these records (we skimmed through approximately three-quarters of them), we identified the following types of records.

First, there are investigative records from a half dozen different police or public safety departments (including Chicago, Dade County, Los Angeles, Montgomery County, and New York City). These files contain raw investigative materials that identify, for example, alleged members of organized crime syndicates, suspected

criminals, and persons associated with suspected criminals (including famous public performers and a Senator who allegedly was a joint-owner of a casino in Havana during the 1950s). One voluminous report, for example, began with the investigation of a 1970s murder in Montgomery County that led back to several organized crime figures, anti-Castro Cubans, and alleged associates of Lee Harvey Oswald. This report contains numerous raw investigative leads (including a list of dozens of names in a notebook of an alleged child molester).

Some of the police reports have "Confidential" or a similar designation affixed to it. Some reports include names of FBI officials and FBI file numbers. Other reports have blacked-out names and numbers.

Second, two records from the assassination of Robert F. Kennedy: the secret Grand Jury testimony of the autopsy physician, Dr. Noguchi, and his extremely detailed and careful autopsy report. (We saw no autopsy photographs or drawings.) **[TOM: ANY LUCK ON FINDING THE STATUS OF THE AUTOPSY?]**

Third, HSCA staff interview notes and transcripts. These notes, like the police investigative notes, contain raw allegations about individuals. One document was a transcript of an interview between an HSCA staff investigator and a Dallas attorney. The attorney had represented a person arrested in October 1963 by the Dallas police on a charge of illegal possession of narcotics. The suspect is a person well known to the assassination research community for his involvement in anti-Castro activities. The attorney requested and received assurances of confidentiality from the HSCA investigator. The interview contains information that would be of great interest to the research community.

Fourth, the HSCA compiled a significant number of records related to David Ferrie who allegedly was an associate of Lee Harvey Oswald in New Orleans and who was a target of the Garrison investigation. Some of the Ferrie records pertain to his having been fired by Eastern Airlines for his allegedly having sexually molested young boys in the early 1960s. Some of the records include the names of Ferrie's alleged victims (and their parents). One boy has an unusual surname (though it may be more common in Louisiana) that is identical to a figure who is of great interest to the research community. Because the boys were between 15 and 17 years old when the incidents occurred approximately 30 years ago, we can assume that many of them are still alive. Ferrie has been the subject of much attention in connection with the assassination and any records related to him are of interest to researchers.

Fifth, the tax records of Earl Ruby, the brother of Jack Ruby.

Time did not allow us to determine whether these materials may previously have been released through some other means. We know that the RFK materials [T.S. INSERT]. When we compared the review copies to the originals, we learned that some records had subsequently, and possibly inadvertently, been sent to the JFK Collection and thus have already been opened to the public.

#### **REVIEW BOARD ACTION**

There are at least two decisions that must be made by the Board.

First, whether the Review Board should contact local agencies before releasing the materials that the local agencies provided to the HSCA. The agencies would thereby be given the opportunity to propose redactions.

STAFF RECOMMENDATION: before the Review Board's releases local agency records, the local agencies should be contacted and given the opportunity to suggest redactions. To prevent any needless delays, however, the local agencies should be told that the material will be released unless they make their recommendations within a specified period (e.g., 90 days).

Second, whether the Review Board should redact information from the HSCA segregated records that raises personal privacy issues.

STAFF RECOMMENDATIONS: first, decisions should be made on a case-by-case basis; second, presumptively, the Review Board should release all information that local agencies are willing to release; third, to the extent that local agencies do not respond, the Review Board should be prepared to redact some information that is overly invasive of privacy of living individuals (e.g., the names of the minors allegedly molested by Ferrie); fourth, efforts should be made to contact individuals who provided information to the HSCA under an actual (or implied) grant of confidentiality.

We are available for further discussion and elaboration of these issues.