

January 14, 1997

BY FACSIMILE

Mr. James M. Leahy
Management Analyst
Records Policy & Analysis Branch
Office of Files and Forms Management
Immigration and Naturalization Service
425 I Street, N.W.
Washington, D.C. 20536

Re: INS Release of Marina and Lee Harvey Oswald INS Files under the
JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Mike:

The Review Board is concerned about delays by INS in processing and releasing records under the JFK Act, particularly the INS files for Lee Harvey Oswald and Marina Oswald. When we spoke during the first week of October, you said that you would send the complete Marina and Lee files the following week. See Marwell to Rouse Letter, dated October 7, 1996 (enclosed). When we later spoke on October 17, you said that you would be sending those files "shortly." Although we recognize that portions of the Lee file were publicly released by INS in November, INS has yet to release the balance of the Lee file or any of the Marina file.

The delay in publicly releasing these core files -- for a period of more than *three years* after the JFK Act required that they be sent to the National Archives -- is not acceptable. Please process these files for public release immediately.

In her November 4 letter responding to Mr. Marwell (enclosed), Ms. Rouse assured us that all of the INS files would be processed within three months. This should mean that, at a minimum, the Oswald INS files will be processed by February 4. We trust that the INS will complete this task as promised.

If there is anything that we can do to assist you in this matter or help clarify the meaning of the JFK Act, please do not hesitate to contact me.

Sincerely,

T. Jeremy Gunn

General Counsel

Enclosures

cc: Scott O. Hastings, Director,
Office of Files & Forms Management, INS

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The Assassination Records Review Board ("Review Board") hereby requests that the Immigration & Naturalization Service ("INS") complete, as expeditiously as possible, its review and public release of the balance of the INS file on Lee Harvey Oswald and the INS file on Marina Oswald. The Review Board believes that the public release of these files should be accorded the highest priority by INS in discharging its obligations under the JFK Assassination Records Collection Act (the "JFK Act").

As you know, the first two parts of Lee Harvey Oswald's INS file was transferred to the Review Board, and ultimately to the National Archives, in November 1996. Since then, we have received no assurances that INS has been processing the balance of the Lee Harvey Oswald file, or the Marina Oswald file, for public release.¹ While we appreciate that INS has additional records that must be released under the JFK Act, the Oswald records undoubtedly must be the number one priority.

Accordingly, the Review Board hereby requests that INS complete its review of the Oswald files, including an identification of any material whose release the INS believes should be postponed under the JFK Act, by February 10. This will permit the Review Board, at its February meeting, to independently consider any recommendations of INS to postpone release of any materials within the Oswald files.

Please confirm that INS can meet this timetable. Thank you for your cooperation.

¹ In accordance with the JFK Act, the INS cannot publicly release the files until it first reviews them to determine whether there is any material whose release can be postponed under the JFK Act (e.g., personal information on the Oswalds' children that should be protected on privacy grounds).