

[DRAFT] MEMORANDUM

July 17, 1998 (b)

To: Review Board
 Laura Denk
 Tracy Shycoff
 Ron Haron
 Michelle Combs

Subject: Transition Issues

I have prepared this memorandum to help identify the principal issues that will be facing the Review Board and staff during their final weeks. The JFK Act identifies three responsibilities of the Executive Director: (a) to serve as the “principal liaison to Government offices”; (b) to coordinate the review of records; and (c) to “be responsible for the administration of all official activities conducted by the Review Board.”¹ Although I have attempted to identify all of the major issues that fall under these three categories, I have no doubt overlooked some that will need to be added. I encourage you to identify those additional issues that should be included. I will keep this memorandum in a draft format until July 24, in order to supplement it as additional items are identified. Please do not hesitate to contact me after July 24 if I can provide any further information or fill in any gaps.

¹JFK Act Section 8(a)(B)(4).

List of Topics

* Items needing particularly close monitoring²

*All Agency Review	KGB records
*Ballistics testing of bullet fragment	(see foreign records; Schiller)
*Board matters	Library of Congress book borrowing
Budget	Litigation ongoing after September 30
*CBS out takes	Medical/autopsy material distribution
*CIA issues	Memoranda of Understanding
*Closedown	*Miscellaneous
*Compliance Program	NARA (transferring records to)
Congress-Burton's Committee liaison	NARA issues
Congress-records	*NBC/Sheridan
Church Committee	PFIAB
HSCA	Press and media
HUAC	Schiller subpoena
Deed of gift issues	Secret Service appeal
FBI appeal of Mark Lane documents	Secret Service records
Federal Register	Security issues
Files (my files)	Sixth Floor Museum
*Final event	Time, Inc.
*Final Report drafting	Zapruder film analysis
*Final Report publishing	Zapruder film takings issues
*Foreign records from foreign govts.	
*Foreign records referrals	
IRS	
*JFK Library	
General	
Manchester JBK/RFK interviews	
Manchester DOAP papers	

²All issues are, of course, priority items. The marked issues are, in my judgment, particularly time-sensitive, complicated, or in need of being closely monitored. The asterisk does not signify the relative importance of the underlying records. Priorities will, of course, change over time as some issues are resolved and new issues arise.

***All Agency Review.** See All Agency Tracking Chart, July 16, 1998. This list identifies the standard "to do" topics for the agencies. The staff members identified on the chart are familiar with the issues that are identified. It is now critical to make sure that referrals are properly taken care of. Foreign records referrals are a problem. (See Foreign records referrals.)

***Ballistics testing of bullet fragment.** We have been waiting for eight months for formal notification of NARA's decision whether it will move forward on testing the bullet fragment. We have been advised unofficially that NARA has agreed to the testing, but that final and official approval has not yet been given. At the July 20 Board meeting, Jack said that he would call Lew Bellardo in an attempt to move forward on the issue. Our staff contact is Steve Tilley. The ARRB staff person with most knowledge about the background is Tom Samoluk.

***Board matters.**

Conference calls. Jerrie obtains times from Board members. Select a time when most members are available. I have prepared short e-mail summaries of the items of the call and send them to internet-board.

Meeting preparations/business. I begin preparing a draft agenda as soon as there is an item for the meeting. (E.g., Warren Rudman is already on the Aug. 6 draft agenda). I send the draft agenda and materials to the Board so that they have the package at least one (and preferably two days) before the Board meeting. Jerrie handles Federal Register notices. Jerrie handles minutes.

Preparations of records for Board meetings. With a few remaining exceptions, the substantive postponement issues have already been decided by the Board. Green issues and consent issues should dominate the records agenda for the next two months.

Budget. Tracy is the staff person most knowledgeable. We are well within budget for all mandated costs. The principal optional/pending issues include: foreign travel; KGB records; Z-film digitizing; CBS out takes; staff bonus/incentives. These are Board decisions.

***CBS out takes.** We have discussed with CBS the possibility of our obtaining copies of out takes and interviews that were created in conjunction with its work reporting on the assassination. CBS agreed, in principal (orally), to donate copies to the JFK Collection but for the estimated price tag of \$30,000 for copying. (CBS would retain the copyright.) We contacted the IRS in an attempt to find a way for CBS to make a tax-deductible contribution, but these talks were not successful. We have not notified CBS of this. Our next plan is to have Tom and Henry visit CBS and determine whether

we might be able to purchase copies of the most valuable out takes. Heddy Gold at CBS (see Media Contacts) is the person to whom we should place our ultimate request. Tom knows the players best.

Tracy has information on handling the anticipated trip to NYC. CBS wants a deed of gift that will protect its copyright interest.

***CIA issues.** For the most part, the requests have been satisfied. There are a few outstanding issues that should, however, be monitored closely, including: CIC records issues; memorandum by Tenet; and completion of the requests for additional information.

***Closedown.** Tracy is the guru. Chet is handling computer data issues. We have had discussions with NARA about the transfer of our records. Dave Brown should begin his inventories soon. Records that we no longer need should be sent. It is important that we draft a prose description of our files. It should describe the central files. These are the permanent agency records. Staff files were kept by individual staff members. Typically they include copies of other records. Electronic records in WordPerfect typically are draft documents. They include drafts of letters that were not sent (i.e. the permanent record is the final in the files). Description of Agency contacts, media contacts. Steve Tilley needs to be advised where there is classified or privacy information.

***Compliance program.** Ron is handling the issue with the assistance of the staff members who are responsible for each agency. This is a time-consuming area in need of constant attention by Ron, but it is in very good shape.

Congress-Burton Committee liaison. We need to send a letter by the end of each month reporting on our progress. Eileen has been handling the collection of information and preparation of the first draft. Our two contacts on the Committee Staff are Dan Moll (senior) Jeff Shaffner (junior). I will contact Dan Moll separately about my departure. We have been advised that Jack wishes to sign these letters in the future.

Congress-records.

Church Committee records review. Ron is handling. We have attempted for more than three years to obtain access to all of the Church Committee records. Finally, this month, the SSCI Staff Director, Taylor Lawrence, agreed to our request. The review of all Church Committee files is scheduled for the first week of August. Clearances have been obtained for Review Board personnel. The clearances need to be passed to the SSCI.

HSCA originals. We have asked Chairman Thomas to permit the original HSCA records to be shipped from our SCIF to the JFK Collection. NARA will not accept them without congressional authorization. Kevin is following-up with Matt. We should keep trying with

Thomas's office. Roman Buhler has been our staff contact, but we have not yet discussed this issue with him.

HUAC records. Ron is handling. We have requested access from Henry Hyde. Dan Moll of Burton's staff has been helpful on this. We anticipate this will be resolved on a staff level in the near future.

Deed-of-gift issues. Laura is handling. The significant issues is the Alyea film. He signed a deed of gift but has subsequently sought to renounce it. The film is at NARA, but the Sixth Floor wants it. We should do nothing. The film should stay in NARA.

FBI appeal of Lane issues. The FBI has advised that it will appeal the Board's vote on the Mark Lane records. We should be prepared to respond. Laura is fully aware of all issues.

Federal Register. Kevin and Pete have been handling our post-meeting reports. They are familiar with the issues. It is important to review the final before signing.

Files (my files). I will leave them in the same order in which I used them. They may be used, as I have used them, as an "aide-memoire." They consist of duplicates of records in the master files organized in a manner that I found helpful.

***Final event** (for the release of the Final Report). Timing and arrangements should be made in conjunction with the Board's wishes. Tracy and Eileen are handling.

***Final Report drafting.** In my judgment, this is the highest priority item. All chapters have been assigned to staff. It would make sense to hire an editor. Other than Chapter 7, my placement of the relative importance of the chapters is: 4 (review standards), 6 (shows all of the research and records chasing work that we have done), 5 (compliance by agencies), 1 (introduction), 2 (the Board and staff), 3 (non-substantive review issues). Joe has submitted a draft of Chapter 1, which I have not read. It is important to make sure that there is a clear demarcation between chapters 1 and 2. In my conception, Chapter 1 is historical from the time of the assassination, through the Warren Commission, Clark Panel, Church Committee, Pike Committee, Abzug Committee, HSCA, etc., up to the enactment of the JFK Act. (This chapter identifies the problem: the secrecy of records surrounding the assassination; and the proposed solution: the JFK Act.) Chapter 2 begins with the appointment of the Board -- the institution's whose mission is to solve the problem.

***Final Report publishing.** It is my understanding that the Review Board accepts the idea of issuing a full report, produced by WP 6, that will go to the President and Congress (etc.). Electronic versions should be made available to NARA (preferably in advance), and to other Web Sites. Another

version of the Final Report, edited for a different audience, could go to a commercial or academic publisher.

***Foreign records from foreign governments.** Jack is the person who is principally handling travel issues. Assistant Secretary Patrick Kennedy gave us the name of Susan Edmondson as a principal contact to facilitate travel and arrangements.

Belarus. Jack is the person principally handling. Our new contact at State is Susan Edmondson, who was named by Patrick Kennedy to facilitate possible foreign travel. Jack said he would call Edmondson.

Cuba. We have made several requests, but have not received any definite response. Wayne Smith agreed to make approaches to Cubans. Jack will be sending letter to the Chief of the Interests Section, Fernando Ramirez.

Russia. (See Belarus above). Jack is the principal person involved. Several requests have been made through State. We have been advised that our issue will be on the Gore-Kiriyenko talks for July 24, but have not received confirmation. Nerissa Cook has information on the Gore-Chernomyrdin talks. Jack said he would call Edmondson.

***Foreign records referrals.** Laura is the person most knowledgeable. The FBI has sent out its foreign records accompanied by our request for foreign declassification. We have now transferred duplicate copies of all foreign referrals to State in order for them to make a separate-track approach to foreign governments. Peggy Grafeld has pledged to do this work, but it must be monitored closely. Nina Noring was apparently made responsible (last week) for handling part of this work. The most important point is to keep reminding State and the FBI to move forward. This is the category of work for which I anticipate the least success. It might be well to develop an MOU with State to have them continue to work on this until complete. I may be able to provide some continuity at State on this issue after September 30.

IRS responses to requests. Laura is handling with assistance of Doug and both are fully aware of the issues. We have sent some substantive questions to the IRS and we need them to answer.

***JFK Library.** Irene is the person most knowledgeable. The JFK papers are in good shape. We still await RFK committee approval for the 11 ARs and the appx. 100 EHUs. The Board needs to decide whether it wishes compliance depositions of Will Johnson and others.

Manchester's court-sealed interviews of Jacqueline Bouvier Kennedy and Robert F. Kennedy.

It is my understanding that Jack has been handling this with Senator Kennedy's staff and Burke Marshall. Ron has reviewed the legal documents and is somewhat familiar with the issue.

Manchester's papers in the JFK Library. Irene reviewed Manchester's papers related to Death of a President in the JFK Library and prepared a summary memo of her findings. The question now is whether we wish to make another request to Manchester to open them up. We have requested his consent to opening the papers, and he has not agreed. The JFK Library wants us to drop this issue. Manchester has been very difficult to deal with and is not likely to consent. Although we have played the "historians believe that all records should be open" card, Manchester has not agreed. Perhaps Kermit and Anna, as historians, should send a special appeal to him.

KGB records. See Foreign records; Schiller subpoena.

Library of Congress book-borrowing issues. With Jessica's departure, a new liaison responsible for our account should be named.

Litigation ongoing after September 30. An operational plan involving DOJ and NARA should be established. It would make sense for DOJ to refer "client" questions to Jack--but that is an issue that needs to be decided. See also Schiller; NBC.

Medical-autopsy material distribution. We have committed ourselves to making the deposition transcripts available in July. Eileen is coordinating the public distribution (w/assistance from Cathy and Janice). The plan is to: (a) distribute a purchase order form; (b) take orders for those who are paying in advance; (c) send all of the material (including original transcripts; audio recordings; and corrected versions to Steve Tilley so that he has them by the time of the public distribution); and (d) ship them out by July 31 at the latest. We can continue to take orders for a few days following, but should cut it off by the first week of August. I still hope to complete a staff memo on this topic for Board review by July 24.

Memoranda of Understanding with Agencies. We should start discussions for preparing a memo of understanding among NARA, the ARRB, and the CIA and FBI for handling JFK Act matters after September 30. This could be one MOU for the FBI and one for CIA, or a joint memorandum. (I strongly recommend separate memoranda.) The Board might also wish to have MOUs with Justice for post-September litigation issues (if outstanding), and with State and FBI for processing uncompleted foreign referrals. The two principal issues for the CIA and FBI are: (a) assassination records received, found, or created after September 30; and (b) procedures for opening records on

dates identified by the Board for records releases.

***Miscellaneous.** This entry signifies the most unpredictable part of the work and the one that is least amenable to a clear description. It includes the dozens of questions that come up on a daily basis from the staff and agencies as well as the need to make decisions about referrals, agency equities, issues to go to the Board, etc. These all need to be handled on a case-by-case basis.

NARA (transferring records to). (See closedown.) We should start transferring records as soon as possible to Steve Tilley. Copies of the Garrison Grand Jury Records should go. (The originals should be sent later.) The Georgetown FBI files should go.

NARA issues. See Ballistics. Post JFK Act processing.

***NBC/Sheridan.** Kim and Jeremy were handling, Ron is now handling. The principal contact at DOJ is Carlie Wells. Her supervisor is Art Goldberg. At this time we have an agreement in principal to have David Marwell review the material. Marwell has agreed to be the expert. Once he does, the agreement should be signed and arrangements should be made for his review. DOJ must obtain internal approval for settlement. We expect this to be a matter of routine, but the new DAAG, Phil Barts, is on vacation for the month of July. We have asked Wells to see if Leslie Batchelor can get Hunger to approve the settlement in Bart's absence. This should be very closely watched. NBC is dragging its feet, and we should do what we can to expedite handling. **OUR FILES SHOULD NOT BE OPENED AT NARA UNTIL THE LEGAL PROCEEDINGS ARE OVER.**

PFIAB. Michelle is the person most knowledgeable. After many months, PFIAB finally provided us with a copy of the assassination records identified by Michelle from the microfilm. PFIAB agreed to provide copies only after an exchange of correspondence and the intervention of Bill Leary. Michelle has almost completed the referrals to other agencies (which have not taken many postponements). Chairman Warren Rudman will come to the next Board meeting and presumably argue that many of the records are not relevant and that they should be postponed because they consist of confidential advice to the President. PFIAB's arguments are very weak. Among other things, most of the information is not PFIAB's advice to the President, but CIA's briefings to PFIAB. Moreover, PFIAB has an MOU with State for processing many of the records. PFIAB is very likely to appeal the Board's decision.

Press and Media. Eileen is the person most knowledgeable. She handles most calls from the media. For those she can't handle, she generally discusses them with me. We usually forward those to Jack, although I have responded to a couple. I recommend that the press and public contacts now be focused on the issuance of the Final Report.

Schiller subpoena. The Federal Programs Branch advised against issuing the subpoena to Schiller. Kim and Jeremy prepared letters and spoke to DAAG Gary Grindler. Grindler has now moved to the AG's office, and has been replaced by Phil Barts. Hunger sent us a letter asking for more information, which we have provided. Our principal point of contact is now Leslie Batchelor, who is coordinating the issue. She is preparing a memo for Reno. She will advise us as soon as she is prepared to send the memo. Jack should then attempt to contact Reno and ask for a favorable decision. **OUR FILES SHOULD NOT BE OPENED AT NARA UNTIL THE LEGAL PROCEEDINGS ARE OVER.**

Secret Service appeal. All of the papers are at the White House and we are awaiting its decision. The person to whom papers have been directed is Charles F.C. Ruff, Counsel to the President. For practical purposes, our contact on this issue is Bill Leary at the NSC, who usually has the best knowledge about what is happening in the decision-making process. If there is no answer by August 3, we should begin to press for a decision.

Secret Service records. This is highly dependent on what Kim is able to complete before she leaves. It is important to have a complete debriefing with her before her departure. Sarah will take over responsibility.

Security issues. Tracy is handling.

Sixth Floor Museum. Ron is handling.

Time, Inc. Request they search files. Letter sent to Time, Inc. See Media Contacts for Laury Frieber. See my Time-Life file.

Zapruder film analysis. Doug and I have been working with Jamie Silverberg to make arrangements for Kodak's expert, Rollie Zavada, to examine the film. Doug can handle arrangements. I will attempt to resolve legal issues before my departure.

Zapruder film takings issues. The principal affirmative step that needs to be taken by the Review Board is to instruct the Archivist to transfer the Z-film to the JFK Collection on August 3, as suggested in the April 1997 Board resolution. The DOJ takings issue now rests with AAG Frank Hunger who is negotiating with Bob Bennett, the Zapruders's attorney. Jack has been in contact with Hunger on an ongoing basis during the past month. Our principal points of contact at DOJ have changed over time, and it is not always clear to us who at DOJ is responsible for what. The cast of characters includes: Kirk Manhardt (responsible at staff level at Commercial litigation; he has the longest institutional knowledge of the issue and will be involved if there is litigation); David

Anderson (Manhardt's boss; highly respected in DOJ); Leslie Batchelor (Hunger's special assistant who is involved on a project-by-project basis); Stuart Schiffer (Hunger's Deputy AAG for Commercial). In order to know what Hunger is doing, Batchelor is probably the best to call. For questions about the long-term issues and history, Manhardt would be best.