

August 4, 1995

Mr. W. Ralph Basham
Assistant Director
Office of Administration
United States Secret Service
1800 G Street, N.W.
Washington, D.C. 20006

Re: Secret Service Records Related to President Kennedy

Dear Mr. Basham:

I am writing in response to your letter of July 31, 1995. Although you concluded your letter by stating that you "trust this explanation will clarify any misunderstandings that may have arisen," I regret to say that not only does your letter not allay our concerns, it compounds them. I re-emphasize the point made by Chairman Tunheim in his letter to Mr. Bowron, *that the Secret Service must not destroy any additional Kennedy or Johnson era records related to presidential protection or to the assassination until the Assassination Records Review Board has had an opportunity to review the files.*

Secret Service Destruction of Records

Your letter begins with a very serious misunderstanding of the law and the responsibilities of the Secret Service. After acknowledging that the Secret Service in fact destroyed records in 1995 from Accession 87-75-0004 (related to the protection of President Kennedy), you state that they were "processed in accordance with National Archives and Records Administration (NARA) procedures, and in full conformance with approved records disposition schedules." With all due respect, the President John F. Kennedy Assassination Records Collection Act (JFK Act) supersedes any law or any disposition schedule related to "assassination records." See 44 U.S.C. § 2107.11.

The JFK Act specifically identifies as "assassination records" any documents "created *or made available for use by, obtained by, or [that] otherwise came into the possession of . . . the Select Committee on Assassinations . . .* of the House of Representatives." 44 U.S.C. § 2107.3(2)

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(emphasis added). According to our evidence, the documents that you acknowledge as having destroyed were examined by the Select Committee on Assassinations and thus satisfied the statutory definition of "assassination records." The JFK Act forbade destruction of these records. We see this destruction as particularly ominous in light of the fact that the Secret Service chose to revise its destruction schedule *after* the enactment of the JFK Act and that it targeted for destruction records that, at the time the law was passed, were slated to be held "permanently."

In order to document the extent to which the Secret Service established appropriate guidelines for reviewing material in Accession 87-75-0004 -- as well as all other records covered by the JFK Act -- I am requesting the following information be provided to the Review Board by August 13, 1995:

1. The names and titles of *all* Secret Service personnel (and others outside the Secret Service) who examined Boxes 1 and 6 of Accession number 87-75-0004 and concurred with the decision to destroy these records.
2. *All* notes, memoranda, reports, and written documentation created by individuals who participated in the decision to destroy materials in Accession 87-75-0004. This should include all materials related to the revision of records schedule N1-87-89-1. (There is no need to duplicate materials enclosed with your July 31, 1995, letter.)
3. Any other notes, memoranda, reports, or written documentation created after enactment of the JFK Act in 1992 that pertain to revising records retention or destructions schedules or that pertain in any way to the destruction of records related to President Kennedy.

Continued Requests for Records

I would like to reiterate our requests for the following records:

1. Accurate copies of *all* Secret Service *inventories* of records from the Kennedy and Johnson administrations (including SF 135s, "O1," and any other lists, catalogues, or indices of such records.
2. The following files from Accession number 87-75-0004 (that, according to your letter, were not destroyed): 602.111 Other Places Folder #6-July-Nov. 1963; 602.111 Key

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West, Fla. 3-26-61; 602.111 New York 4-27-61.

3. The trip file for New York City on November 8, 1963.

Response to statements in July 31 letter

There are a few comments in your letter with which me must take exception. We have, unfortunately, not found that the Secret Service has "cooperated fully" as suggested in the letter. We continue to await, for example, copies of the

For example, the Secret Service did not arrange "several trips" to your off-site facility for Dr. Zimmerman, Senior Analyst at the Review Board. In fact, Dr. Zimmerman has visited Centre Pointe twice--once for two and one-half hours and a second time for six hours. None of the materials Dr. Zimmerman requested be photocopied during these visits has been provided by the Secret Service. Nor have any requested copies of *records inventories* been provided.

Dr. Zimmerman initiated contact with Mike Sampson and briefly glanced at several materials clearly qualifying as assassination records. Again, no copies of this material have been provided to the Review Board, and the Secret Service has offered no evidence that any of the materials in the Archives at 1800 G Street are even under review. Nor has any inventory of materials in the Secret Service Archives been provided. The existence in the Archives of, for example, two boxes marked "John F. Kennedy Assassination"--not to mention significant materials at Suitland and Centre Pointe--does not support your claim that the Secret Service has finished its search for and review of assassination records.

We disagree with your characterization of the discussion of the FOIA request. Once again, we request that you instruct all Secret Service officials to cooperate fully, completely, and truthfully with the Assassination Records Review Board. We also request that you review the JFK Act with all Secret Service officials responsible for locating and reviewing Secret Service records. Such a review should clarify your obligations under the statute--obligations that are as yet not fulfilled.

I am requesting that this material be provided to the Review Board staff no later than noon on Monday, August 14, 1995.

Requests for Transfer of Original "Assassination Records" to the Review Board

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The JFK Act provides that the Review Board is
I appreciate your stated assurance that the United States Secret Service takes seriously the requirements of the JFK Act. To that end, we specifically request that you assure us that *no* Secret Service records related to President Kennedy or to his assassination be destroyed *until* the Review Board has received prior written notice and has had an opportunity to inspect the records.

I trust that you are willing to act promptly to remedy the issues identified in this letter.

If you have any questions, please contact me at 202-724-0088.

Sincerely yours,

David G. Marwell
Executive Director

cc: Mr. Eljay B. Bowron
Director
United States Secret Service

John Kelleher, Esq.
Chief Counsel
United States Secret Service

Mr. John Machado
Chief
Policy Analysis and Records Systems
United States Secret Service