

## MEMORANDUM

May 22, 1996

To: David Marwell

From: Joan Zimmerman

Subject: Secret Service Request to Take Our Only Copy of Assassination Records

On May 17, 1996, John Machado left a voice mail message stating that he wanted to have our only copy of the assassination records designated by the Board at the April 16-17, 1996 meeting. His reasons for this request are not very compelling. My thoughts are as follows:

Machado cited two main issues, which invite our response:

1. A) Machado said he was trying to avoid the "problem they had with the Archives with xeroxing and all the other problems."

B) Machado proposed that the Secret Service keep one package of xeroxed material. He wants to take from us what he calls the "marked pages." He proposes that the Secret Service keep custody of the photocopied documents now in our SCIF.

2. Machado wants only one set of this material to exist. He is opposed to creating another copy of this material because of the **probability** (his word) of something getting lost or missed in the process.

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1. A) --We have learned from Machado's episode with the threat sheets that he will not take responsibility for misplaced documents. The Secret Service should not be the sole repository of both the original and the only copy of a record designated an assassination record by the Review Board.

He has demonstrated carelessness with his own materials. If he loses pages or whole documents, which he apparently did with the threat sheets, we will have **nothing** to fall back on. We should be very careful to keep our own copies of records that the Review Board has designated assassination records. It would be irresponsible on our part to hand over our only record of what the Review Board

has designated assassination records to John Machado. That is simply asking for even more trouble, hard feelings, and wasted time. We can not assume that he will take responsibility for completing the tasks outlined in the JFK Act correctly and without some problem of his own making looming up again. If we hand over the records, and a goofy problem arises, as it always does with Machado, then what will our response be?

The problem he had with the Archives (added to his destruction of records and repeated defiance when asked to document the circumstances) should be a lesson to us: he is very unreliable, he dissembles, he is careless with Secret Service records, and he has shown no signs that he is willing to improve his behavior. Given our experience with Machado, any neutral observer would ask why we would go out of our way to trust him, do favors for him, or give the Secret Service more generous treatment than we extend to any other agency. It does not make any sense. The rational response to the Secret Service situation is to keep our own records very carefully, and make our policies clear and consistent.

We should also seek to avoid allowing Machado's incompetence to become our problem. If we hand over our only copy of assassination records, and Machado loses them, or returns an incomplete group of materials to us, or refuses to surrender some of them, or decides on his own that some of them are not assassination records, we would have a choice: we could subpoena them, which the Justice Department would not support, or we could give up. We would have no recourse.

The issue for Machado is not the volume of xeroxed pages. If you listen to his message, it is clear that he wants *our* copy.

B). Our description of the assassination records is clear. If he wants to view the documents, he can come to the SCIF to reassure himself that the documents we listed in the April 29 letter are the same documents he delivered to our office. There is no basis for confusion. Machado is trying to create a problem where none exists. Given his serious errors with the threat sheets, we appreciate his apparent interest in avoiding careless treatment of his own records. We should also appreciate our heightened responsibility to ensure the integrity of these documents.

2. Fear of documents getting lost.

We have never lost any of their materials. What evidence does Machado have for making this comment?

We do fear that *he* might lose his documents.

We have consistently demonstrated meticulous care in handling USSS documents and apparently have

a better grasp of what is in them than he does.

All of their material is in our SCIF. He can make an appointment to come and view it. He should not just drop in unannounced. ( Please arrange to have two people in the SCIF with Machado if you invite him over.)

We should reassure Machado and Jane Vezeris that their materials are safe in our SCIF. No unauthorized persons are allowed to be in our SCIF, and Machado and Vezeris need have no fear that their documents will be misplaced.

Additional reasons for keeping Secret Service material:

--When we set a deadline for review by the Board, as we do with the FBI, we can be sure that the Board will have documents to review. Without physical possession of the documents, the Secret Service could simply delay, and we would have no recourse. They always have reasons for not doing what they should be doing to comply with the JFK Act.

--If the Secret Service wants to limit the number of copies, they should plan to transfer originals of their documents to the Archives instead of making an additional copy. For example, the Secret Service should transfer the originals of the Manchester material, the letters from the public, the newsclippings, and the news conference transcripts to the Archives. There is no need for the Service to make additional copies unless they want to keep copies in their own files. That is their burden, not ours. We should keep the copies we have until this material is available to the public at the Archives.

--Ann Parker called and asked me to provide her with copies of charge-out cards for the numbered documents in our April 29 letter. This was in addition to the over 400 charge-out cards I had already copied. The April 29 letter had carefully spelled out which documents--including the numbered documents-- were assassination records. Ann Parker did not need to have me copy additional charge-out cards to complete the task outlined in the letter. Now that I have done this for them, Machado wants to take the documents. If you give him the documents, you just wasted a considerable amount of my time. This is yet another example of how Machado keeps trying to change the rules and create more work for me and others (mostly me). I would suggest that you consider this problem more carefully before you simply accede to his wishes. It seems to me that given his poor performance thus far, he should be trying to accommodate us.

His suggestions are not useful. We have dealt with enough agencies over the past year to have figured out the most useful ways to get documents through the process. The Secret Service is just starting to figure out the steps they need to take. They have yet to realize that more than one copy of redacted

documents will exist. They do not grasp a sense of the volume of documents that will be processed. It is better for them to follow the steps outlined in our letter of April 29. If they wish to keep closer track of their documents, they should make a copy for themselves. They should not ask for ours.

--The Secret Service will need to use a dark marker to redact their proposed postponements. Otherwise Steve Tilley will not be able to make their assassination records available to the public until the review (and probably appeal) process is complete, which could be months from now.

*--There would be no need for the Secret Service to take our only copy of assassination records if they transferred their originals of all the documents to the Archives with no postponements.*

--If the Secret Service wants to make postponements, the burden should be on them, not us. If they make postponements, they need to undertake the task of making redacted **copies**. If the Secret Service wants to make postponements, there will be copies. For example, one redacted (with a magic marker) copy will go to Steve Tilley by July 15. This point should be impressed on Machado. The choice to postpone means a choice to make copies. If the Secret Service makes that choice, they have undermined Machado's stated concern about more than one copy floating around. Their choice to redact, rather than releasing records that should clearly be released, is their issue; they can take responsibility for it. *Redactions mean more photocopies*. Since there will be more copies, Machado would need to explain why he wants to take our only unredacted copy. They should not be allowed to compromise the thoroughness of our record-keeping because they want to postpone and probably appeal. If they appeal, we would not even have a copy of the documents to work from, and we would be in a position of asking them to provide the documents to us.

--Part of our task is to identify potential assassination records. Some of the materials brought to us by the Secret Service provide the basis for additional requests for material. The Secret Service has apparently overlooked these leads in its own review of these documents. I am still analyzing the documents myself for leads. Both my use of the documents and the Review Board's need to insure the integrity of documents it has designated assassination records accommodate the JFK statute's provisions for custody of records during the review process. *See* §5(b)(1) and(2), and §5(c)(2)(E). We have the authority to keep these records. *See* § 7(j)(1)(A) and (B) and (C)(i) and (ii)

--We might consider Steve Tilley's example with the protective surveys. Steve took the trouble to retrieve this material from the textual reference section of the Archives where Machado had deposited the boxes of surveys. Steve keeps the protective surveys that survived the destruction authorized by Machado in the JFK Collection offices. Steve has indicated to me that he will not give these original documents back to Machado. Shouldn't we do likewise?

You could tell Machado that since the Board has designated the records listed in our April 29 letter

“assassination records,” they can be transferred to the Archives.

They should also know that the burden of copying documents they wish to postpone is theirs, not ours. Postponement entails additional photocopying, and they should not ask us to do it: Just as the Secret Service should create diskettes and not ask NARA to do their work for them.

The Service will need to prepare a “magic marker” postponement copy for the Archives anyway, and they can make a redacted photocopy for the Board. It is more efficient for the Board to retain the unredacted copies in the SCIF than for the Secret Service to move them around and risk misplacement or loss.

If John Machado somehow convinces you that he has to take the documents, then we should photocopy the assassination records as well as all the other material the Secret Service is supposed to transfer to the Archives. It will probably take me at least a week unless you want to tell Tammi or Eric to help copy documents as well.

If you wish to tell Machado that we are going to make a backup copy for the Board, you could also offer him the option of coming over to stamp each page “Return to Secret Service.” We will return the backup copy when all these records are in the Archives.