

MEMORANDUM

April 15, 1996

To: David Marwell, Jeremy Gunn, Phil Golrick

From: Joan Zimmerman

Subject: ARRB Response to Jane Vezeris Letter (March 28, 1996) on FY 1995 Report

The following is a response to the assertions of the USSS regarding compliance with the JFK Act. The Vezeris letter, which complains about the ARRB FY 1995 Report, appears to have been written by John Machado. Much of it repeats verbatim statements from a July 31, 1995 letter defending his destruction of JFK trip files.

1. The Vezeris letter states: "The Secret Service has never believed as indicated in the Report that 'it had no further obligations other than the review of records referred to it by other agencies.' I am frankly dismayed that you would make such a statement in your Annual Report."

In the March 28, 1995 letter, Vezeris/Machado point out in two separate places that the Secret Service turned over its investigative file to the Archives in 1979. The July 31, 1995 letter included the following statement:

NOTE: The Service transferred physical and legal custody of the U.S. Secret Service official case file to NARA in August 1979. *This accounts for the paucity of any remaining, original material concerning the JFK Assassination currently in Service custody.* (My emphasis)

These two sentences suggested to us that the Secret Service felt it had completed its obligation regarding Kennedy records by turning over its files in 1979. This assumption was included in our report in the sentence quoted above. The "dismay" expressed by Vezeris/Machado is misplaced since their constricted understanding of the Service's obligation to undertake a search for assassination records was originally expressed in the July 31, 1995 letter. Our report simply reflected the view of the Secret Service. Moreover, the sentence in italics, which appeared in the July 31 letter, was not repeated in the Vezeris/Machado letter of March 28, 1995. The Secret Service now wishes to convey an impression of active compliance over the past three years. Our experience does not confirm that assertion.

2. The Vezeris/Machado letter twice alludes to a period of limited guidance before the ARRB was set up and staffed. Their argument suggests that, lacking guidance on the meaning of "assassination

record” before June, 1995, the Secret Service destroyed records in President Kennedy’s protective survey files because they were not related to the assassination. As the Vezeris/Machado letter puts it, “there were no records relating to the assassination of President Kennedy” in the destroyed boxes. Rather than exercising caution with Kennedy-era records until Secret Service personnel had a more thorough grasp of the JFK Act’s requirements, John Machado authorized the destruction of these files.

This letter also creates false issues by insisting that the Secret Service and Archives personnel who reviewed these presidential protective files “had no reason to believe that this material was reviewed by the HSCA, and therefore considered by the ARRB to be an ‘assassination record’.”[sic] First, the language of the JFK Act states quite clearly that Congress considered any material viewed by the HSCA to be an assassination record. John Machado did not need to wait for the ARRB to tell him what Congress clearly stipulated in the JFK Act. Second, the Secret Service could have undertaken its review of HSCA- referred materials when NARA sent them to the Service in August 1993. Although the Secret Service claimed to be processing HSCA material in February 1995, representatives of the Service did not agree to seek a timely completion of this process until urged to do so in a meeting in our offices in mid-August, 1995. Even then, the Service did not complete its review of the HSCA materials until November, 1995. Had the Service reviewed these materials promptly, John Machado and his colleagues would have discovered reports by Eileen Dinneen that were explicitly based on the now destroyed trip files.

3. The Secret Service explanation for the destruction of these materials also fails in its recording of the facts. The trip files were destroyed in January, 1995--a few days before ARRB staff asked to see them. John Machado continues to state that these files were destroyed in 1994. We have documentation from the Federal Records Center that lists the date of incineration as January 23, 1995. At anytime before that date, the Secret Service could have halted their destruction with a telephone call.

4. The March 28, 1996 letter asserts that the Secret Service undertook a search for assassination records with the help of NARA personnel within two months of the passage of the JFK Act. By December 1992, John Machado had attended a briefing on the Act sponsored by NARA, and he had located Secret Service shift reports for November, 1963.

Since John Machado had attended a meeting at NARA designed to familiarize records officers with the JFK Act, any attempt to explain the destruction of Kennedy-era records in Secret Service collections should invite, at the very least, some caution. Second, John Machado found the shift reports in December, 1992, and by the end of that month, the Secret Service review of these material was complete. Yet John Machado did not bring them to NARA right away. Only after several telephone calls from ARRB staff did John Machado bring *the first and only Secret Service-originated documents to the JFK Collection at College Park in September, 1995*. This donation, taking place

almost three years after Machado's discovery of these materials and resulting from considerable prodding, belies Machado's insistence that the Secret Service has been aggressively seeking to comply with the JFK Act for the past three years. The March 28, 1995 letter states that Machado originally located shift reports for the November 18, 1963 through November 24, 1963 period. Again, only through prodding from ARRB staff did Machado expand the assassination time frame to include more. The shift report collection now dates from November 1 through November 23, 1963.

5. The March 1996 letter states that the Secret Service requested all its offices to search for appropriate records. Nothing has been forwarded to NARA or to ARRB as a result of this request.

6. The March 1996 letter states that the Secret Service "continues to respond to assassination record referrals from other agencies (e.g., the FBI and CIA)." Our check with the FBI liaison person indicates that the Secret Service has not responded for over a year to FBI referrals. The Secret Service has apparently shifted personnel responsible for referrals without notifying other agencies about new contact people.

7. The March 1996 letter refers to Steve Tilley's sending "NARA documents, previously owned by the U.S. Secret Service, to this agency for review."

First, it is not clear which records these are since HSCA records are owned by Congress, not the Secret Service. Second, John Machado has refused to come to the Archives at College Park to stamp open Secret Service materials requested by the Warren Commission.

8. The March 1996 letter focuses on the timing of the ARRB definition of "assassination record" as a major turning point in the Secret Service's justification of the destruction of records and as a spur for renewed effort to search for records.

The Secret Service sent out an additional request to its offices but again found *no new records*. Second, John Machado states "The Service works closely with ARRB researchers to ensure a comprehensive search...and arranged several trips to our off-site facility" for Joan Zimmerman. I visited the off-site facility twice and was not allowed further access because these visits used up Secret Service resources. Under the JFK Act, the Secret Service was required to provide us with their inventories; the Secret Service complied with this stipulation only after the August 1995 meeting when ARRB staff insisted that they be sent to our office.

9. The March 1996 letter states "We also arranged an interview with the Service's archivist, who provided several documents for [Zimmerman's] review."

John Machado did not "arrange" an ARRB staff meeting with the Secret Service Archivist. We

initiated that meeting and alerted John Machado, as a matter of courtesy, to our upcoming visit. John Machado subsequently complained that he was the contact person at the Secret Service and that we were using a “shotgun approach.” After refusing any more visits from ARRB staff to the Archives, John Machado insisted that he would search the Archives for assassination records. Having received nothing from his search, which he allegedly undertook last July, we have begun to request specific materials from the Archives.

10. The March 1996 letter registers the Secret Service’s objection to FY 1995 Report’s implication that there was something underhanded about the destruction of President Kennedy’s protective surveys.

First, according to the time sequence in the July 31, 1995 letter, John Machado met with NARA personnel to discuss the rescheduling of these records within nine months of the passage of the JFK Act. The destruction of protective surveys from the 1961-1963 period marked a sharp break from their previous status. The protective surveys for President Kennedy were scheduled by the Archives as a “permanent retention” in 1974. The 135 forms clearly show USSS agreement with this designation. To have altered that status in July 1993, was entirely inconsistent with the congressional intent expressed in the JFK Act.

Second, Machado’s complicity in rescheduling these records required an active intervention and reveals that these records were singled out for destruction less than one year after the passage of the JFK Act. The culmination of that serious violation of the JFK Act could have been avoided anytime before the actual physical destruction of these records took place in January, 1995--only a few days before ARRB staff first requested them. John Machado’s explanation was that the documents “were destroyed in early 1994 through a NARA approved retention schedule.” In fact, the precise date of incineration provided to ARRB by the Federal Records Center is January 23, 1995.

Third, the timeline for destruction offered by Ferris Stovel at the Washington National Records Center contrasts sharply with John Machado’s account. Clearly, the Secret Service reviewed these trip files closely; they were singled out for destruction on the basis of criteria that could only be characterized as odd. Only if the trip files included foreign travel did they survive. Copies of our correspondence regarding the destruction matter are attached. John Machado’s claim that he has offered a complete, definitive explanation for this violation of the JFK Act falls quite short. He still has not answered our questions from last summer, which we posed to him at least twice.

11. The March 28, 1995 letter states that the Secret Service has agreed not to destroy any more protective surveys for the 1958-1969 period. The Secret Service has recently informed us that more material reviewed by Eileen Dinneen has been destroyed. This included a file on an individual who apparently had some contact with Richard Case Nagell. Once again, we will ask the USSS to

document this destruction.

12. The closing paragraph on page 3 of the March 1996 letter expresses "great offense" to the portion of the FY 1995 report referring to the DEA. The Secret Service misread the report. The allusion to records destruction referred to DEA, not the Secret Service.