

MEMORANDUM

To: David Marwell, Jeremy Gunn, Phil Golrick

From: Joan Zimmerman

The following is a rough draft of a reply to Jane Vezeris's letter of March 28, 1995.

April 4, 1996

Ms. Jane E. Vezeris
Deputy Assistant Director
Office of Administration
United States Secret Service
1800 G Street, N.W.
Washington, D.C. 20223

Dear Jane:

I have your letter of March 28, 1995, regarding the Assassination Record Review Board's FY 1995 Report. I am writing to assure you that our Report is entirely accurate.

I have enclosed copies of our correspondence with the USSS last summer when our staff determined that your records manager, John Machado, had authorized the destruction of protective surveys for President Kennedy. Since we have already corrected the errors in the material listed on page 2 of your letter in our earlier letters, I will briefly respond to the explanation offered and address your comments about our Annual Report.

With regard to your "history" of USSS compliance with the JFK Act, we find any discussion of the rescheduling of any records in accession 87-75-0004 after December 1992, inexplicable. Your letter clearly states that in December 1992, your records officer attended a meeting at the National Archives designed to familiarize him with the John F. Kennedy Records Collection Act of 1992. Surely any confusion in the mind of the records officer could have been clarified by USSS Counsel, who could have reviewed the JFK Act with John Machado to ensure that the Secret Service's intention to comply and the reality of compliance would coincide.

The destruction of protective surveys from the 1961-1963 period marked a sharp break with 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, as indicated in your letter of July 31, 1995 (page 3), was entirely inconsistent with the *Congressional intent clearly expressed in the JFK Act*. Section ---states:---.In addition, the JFK Act as written in 1992, stated that any records reviewed or requested by the House Select Committee on Assassinations came under the definition of "assassination record." That the records officer, John Machado, needed to wait until ARRB staff explained the language of the statute raises questions about his comprehension of his duties.The ARRB's definition of "assassination record" did not alter what Congress stated on this point in 1992: John Machado's claim that he had to wait for a definition from the Board is misplaced.

His 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 asked to see them at the Federal Records Center. (We note that your letter [page 3] repeats an error in the date of destruction from the July 31, 1995 letter. We invite you to consult with the people at the Federal Records Center who actually destroyed the documents for the precise date of incineration.) Twice we requested a full accounting in writing for this destruction of records, and twice John Machado has refused to provide us with a list of names of Secret Service employees who participated in the rescheduling. We invite you to read our letters from last summer very closely and take this opportunity to establish a more comprehensive record by responding fully to the questions we asked. Offering unpersuasive justifications and blame does not serve anyone's interests, least of all yours. In short, your "history" fails to account for the full responsibility that lies with employees of the Secret Service who countenanced this destruction.

Your March 28 letter insists that the Secret Service has made aggressive efforts to comply with the JFK Act. Our experience does not confirm that assertion. If, for example, the records officer had undertaken a timely review of HSCA records that had been forwarded to the USSS by NARA in August, 1993, he would have discovered that the HSCA had specifically requested President Kennedy's protective surveys. Although ARRB staff received assurances that this review was underway as early as February, 1995 (18 months after the USSS received them), no HSCA records with proposed postponements were delivered to our offices for review before late October, 1995. Even then, the delivery of these records came only after ARRB staff specifically insisted on their prompt completion at a meeting in our office on August 15, 1995.

This pattern of stalling and uncooperativeness, then reluctant, limited (non)compliance marks the Secret Service's response to the JFK Act. To take more examples from your letter: Other agencies we have consulted report that the Secret Service has fallen behind in responding to their referrals; Mr.

Steven Tilley reports that John Machado has refused to come to College Park to review previously postponed Secret Service materials from the Warren Commission (unlike any other agency); after two visits to your off-site facility at Centre Pointe, Joan Zimmerman was no longer allowed access; John Machado has not offered any evidence that he has undertaken a search for assassination records at Centre Pointe without this assistance from ARRB staff. 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. We note that his woefully inadequate performance complements your comment in July, 1995 (omitted in your March 28, 1996 summary), to wit:

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.* (Our emphasis)

Our report, which you say “dismayed” you (see your second paragraph), simply restated the sentence in italics. The Secret Service does have relevant material. Your records officer should begin looking for it and sending it to the Archives or preparing it for Board review. Simply responding (belatedly) to our specific requests is a start, but it is not good enough. Congress intended that agencies themselves should undertake the search for assassination records. The Service still has work to do to comply with the JFK Act.

Because of the confusing and inaccurate statements in your letters of July 31, 1995, and March 28, 1996, it is a challenge for the reader to discover exactly what the Secret Service has voluntarily offered to the JFK Collection at the National Archives since 1992. In fact, the Secret Service has donated 159 shift reports from November, 1963. That is all. John Machado writes that he located these shift reports after his briefing at the Archives in December, 1992. Yet he did not bring them to the JFK Collection until September, 1995. Again, only after several calls from ARRB staff did Machado deliver the shift reports to the JFK Collection.

Finally, your taking offense to our summary of DEA activities in our FY 1995 Report is remarkable, and again misplaced. The reference to records destruction pertained to the DEA, not the Secret Service. We do find your reference to material on Andrews Air Force Base intriguing.

In order for the Secret Service to initiate a more efficient program to comply with the JFK Act and avoid errors in the future, we would suggest the following:

1. Complete your responses to our requests for material by conducting a thorough search in all

appropriate sources of Secret Service records. Document your search: note the places and collections where you looked in your response. If you claim that the material is in the JFK Collection, cite the box and folder.

2. Complete your search of all inventories and records in your collections for assassination records. As you discover assassination records, prepare discs and research identification forms. If you have questions about how to do this, contact me or Steve Tilley. If you have postponements, deliver the records to our offices for Board review.

3. Contact Steve Tilley and arrange to view Secret Service materials at College Park and stamp them open. If you have postponements, contact me.

4. Avoid the destruction of *any* Secret Service records for the 1958-1969 period.

We are eager to have your cooperation very soon in fulfilling the congressional intent of the JFK Act. If we do not receive your cooperation, we will have no choice but to pursue Secret Service records in the manner directed by the JFK Act.

Sincerely yours,

David Marwell
Executive Director

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