

December 30, 1997

VIA FACSIMILE & FIRST-CLASS MAIL

Mr. Edmund McBride  
Chief  
Information Management Division  
Joint Staff  
The Pentagon -- Room 2B917  
Washington, D.C. 20318-0400

Re: Joint Staff Compliance with the JFK Assassination Records  
Collection Act, 44 U.S.C. § 2107

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Dear Mr. McBride:

Thank you for submitting the Final Declaration for the Joint Staff (dated Nov. 13, 1997), which sets forth the Joint Staff's final, sworn statement regarding its compliance with the President John F. Kennedy Assassination records Collection Act of 1992 ("JFK Act").

We have reviewed the Joint Staff's Final Declaration and have concluded that the Joint Staff's work under the JFK Act is, for the most part, complete. We do not anticipate conducting a compliance deposition. However, as the Final Declaration noted, processing of assassination records continues and, indeed, certain additional documents have been identified that may qualify as assassination records. Accordingly, we request that the Joint Staff attempt to have all its assassination records placed in the JFK Assassination Records Collection ("JFK Collection") by March 2, 1998, and we ask for written confirmation in a letter that that will have been done. has been lodged within the meaning of the JFK Act. there have been some documents identified as I would like to thank you and J.A. Rosenbaum, Declassification Specialist, for meeting with Doug Horne and me on July 15 to review the initial Statement of Compliance of the Joint Staff under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) ("JFK Act"). This review included suggestions for further clarifying, in the Final Declaration of Compliance, the description of the record searches conducted by the Joint Staff. Set forth below is our understanding of the status of the Joint Staff's compliance with the JFK Act.

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1. Record Searches of the Files of Chairmen of the Joint Chiefs of Staff in the 1960s. At our meeting, you and Mr. Rosenbaum articulated more specifically the methodology for searching the files of the Chairmen of the Joint Chiefs in the 1960s, namely Generals Lyman L. Lemnitzer (1961-62 files), Maxwell Taylor (1962-64 files) and Earle G. Wheeler (1964 files). Their files have been archived and are described in the SF-135 forms prepared in connection with sending files to storage. You reviewed these forms, selected certain files for inspection, and then provisionally designated certain records as assassination-related. So that the public will understand what files were searched, we recommend that the SF-135 forms for Chairmen Lemnitzer, Taylor and Wheeler be attached to the Final Declaration of Compliance, and that the Final Declaration identify the files that you physically inspected for assassination-related materials.

2. Discrete Follow-Up Searches with Respect to the Files of Maxwell Taylor, Chairman of the Joint Chiefs of Staff at the Time of the Assassination. In reviewing the SF-135 index to Charirman Taylor's files, we noted some materials that may be related to the meeting of the Joint Chiefs of Staff with the German Chief of Staff on the day of the assassination. These materials should be inspected for any material that might be relevant to the assassination, and the Review Board staff agreed to undertake that task.<sup>1</sup>

3. Record Searches of the Files of the Chairmen of the Joint Chiefs of Staff in the Late 1970s-Early 1980s. In addition, you reviewed the file indices (*i.e.*, SF-135 forms) available for the files of JCS Chairmen Brown and Jones, whose combined tenure covered the late 1970s through the 1980s. In particular, you searched for any records that might relate to the Congressional investigations conducted by the Church Committee and by the House Select Committee on Assassinations. No such records were found, but in the Final Declaration of Compliance you will identify those files that were actually inspected. We agreed that the SF-135 forms for Chairmen Brown and Jones need not be attached to the Final Declaration since the underlying records were remote in time from the assassination.

4. Records Searches of the Joint Staff Historical Files. In addition to searching the files of the individual JCS Chairmen, you also searched the central historical files for the Joint Chiefs

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<sup>1</sup> The materials were in the accession for Charirman Taylor's files (accession no. 218-91-0019). They were: (a) File 091 re Visits (Germany) in Box 4; (b) File 091 re Germany (September 1963-[no concluding date]) in Box 9; and (c) Information Book for meeting with German Chief of Staff in Box 30.

of Staff using a Joint Staff classification guide to records for 1959-67. In the Final Declaration of Compliance, please explain the search process conducted for the historical files and make clear what file series were actually inspected for assassination records.

5. Record Searches of the J-3 Files. You advised that you have reviewed this separate set of files relating to Cuba for the 1958-70 time period. You stated that a discrete set of records from the 1963-64 period have been identified and will be processed as assassination records.

6. Status of Declassification of Assassination-Related Records. Most of the individual documents that have been identified as assassination-related records are policy-related documents regarding either Cuba or Vietnam. At present, you are working with the Review Board, as well as other agencies, to complete declassification review.

7. Destruction of JCS Meeting Minutes. In the initial Statement of Compliance, you provided information explaining the circumstances for the destruction of verbatim records of JCS meetings from 1947 to 1978. While this information was helpful, we request that in the Final Declaration of Compliance you state with as much specificity as possible the source and basis for the information you provided regarding destruction of these records. Also, please attach any available documentation, such as the order or authorization for destruction, that would further elaborate the circumstances of the destruction.

8. Office for the Director of Joint History. In the Final Declaration of Compliance, please confirm that you have taken account of any original JCS records that may reside with the office of the Director of Joint History, which operates under the Chairman of the JCS.<sup>2</sup>

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<sup>2</sup> We had asked that you provide us with any official JCS histories that relate to Vietnam or Cuba, or any other histories relating to the JCS under the Kennedy and Johnson administrations. Should the histories be voluminous, please contact us so that we can discuss the best way to revise this request.

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9. Additional Record Searches. Based on the Joint Staff Initial Statement of Compliance, the work of JCS with the Review Board to date, and our July 15 meeting regarding compliance, we do not anticipate at this time the need to conduct major additional searches for records. However, we wish to preserve our right to request additional record searches where we have reason to believe there are discrete records relating to the assassination that have not been previously located. In fact, we did discuss one substantive area where an additional search is required. We have requested that you locate all records that relate to the domestic military surveillance that was in effect in 1963, particularly any surveillance being conducted by the Army Security Agency. Our request for such records also has been made to the Department of the Army, and I am enclosing that request for your reference (*see* July 23, 1997 Letter from T. Jeremy Gunn to Col. James R. Moore, Jr.).

10. Final Declaration of Compliance. Please have your Final Declaration of Compliance reflect the matters we reviewed. Please also note that the Final Declaration of Compliance will need to be executed under oath in the form prescribed by 28 U.S.C. § 1746. We agreed that the Final Declaration of Compliance would be submitted by October 6, 1997.

Thank you again for your cooperation, and please feel free to call Doug Horne or me to discuss any of these matters or any questions you may have.

Sincerely,

Ronald G. Haron  
Assistant General Counsel

cc: Captain Michael F. Lohr, Legal Counsel, Chairman, JCS  
Stewart Aly, Associate Deputy General Counsel, DOD

Enclosure