

DRAFT

## MEMORANDUM

March 30, 2017

To: Jeremy Gunn, Phil Golrick  
cc: David Marwell

From: Kevin Tiernan

Subject: DEA Records review by the HSCA Staff

Prior to contact from the Board, the DEA had not reviewed any of its own records under the JFK Assassination Records Collection Act, although it had responded to referrals from other agencies. We first sent the DEA a list of names drawn from correspondence between the HSCA and the DEA which had yielded positive results in a search of the DEA records system in the spring of 1978. They used our list to conduct a search of their records system, and sent back the results of that search. The results of this search did not match exactly the list of positive search results in 1978. Later, they sent a list of files which they determined were destroyed under their records schedule.

DEA records are oriented toward gathering intelligence on criminals and suspected criminals, and making connections between individuals, organizations, vehicles, and even locations. Each identified subject (person, location, or vehicle) is then indexed when the subject is mentioned in a formal report, and that indexed information is cataloged electronically in the DEA's information retrieval system. When the HSCA asked for all file references on an individual, DEA's response covered all files which mentioned the person. Because of the emphasis on intelligence in the DEA information system, the smallest connection between a person, location, or vehicle can yield a positive search result.

For example, a file is opened on an airstrip from which is known to be a drug shipping point. Surveillance is conducted on the strip, and all arrivals and departures of aircraft and individuals are recorded. A criminal informant tells DEA that a specific aircraft is engaged in criminal activity. And it is located at the airstrip that is the subject of a DEA file. The owner of the airplane is cited in the report. His name is indexed, and the document yields a positive hit when the airplane owner's

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name is entered in the DEA information retrieval system.

The HSCA compiled lists of names to be checked in the filing system of all federal law enforcement agencies, including DEA. DEA retrieved all positive hits, although it is unclear whether individual documents were provided to the committee staff, or whether entire files (or file sections) were provided to the committee staff. From the staff notes, only individual documents are cited, although it is possible that in a large file, on an unknown individual, only the documents responsive to their request was noted.

DEA was a relatively new agency at the time of the HSCA. It was organized in July of 1973 when four separate drug law enforcement agencies were merged. It kept custody of its predecessor's records, but it has since either destroyed these records (its records schedules slate destruction of investigative records at twenty-five years) or passed those of particular historical interest on to the National Archives. In either case, DEA has retrieved no records of its predecessors, and none of its own records older than twenty-five years for review under the JFK Act.

All criminal activity and criminal associations documented in the DEA's records reviewed by HSCA staff and available for inclusion in the collection took place 10-15 years after the assassination of President Kennedy. Our problem is determining how to proceed, or how to instruct DEA to proceed with these records. DEA has not taken the initiative to designate any of these records as assassination records. We need to : 1) instruct DEA to review all files containing HSCA requested material under the Act, 2) instruct DEA to review only those files referenced in HSCA staff notes under the Act, 3) develop an arrangement with DEA in which some memo serves as a substitute for their review of these records, and ensure that the HSCA requested material is preserved as part of the collection for release at a later date.