

MEMORANDUM

May 19, 2017

To: Jeremy Gunn, Phil Golrick
cc: David Marwell

From: Kevin Tiernan

Subject: DEA Records review by the HSCA Staff

The Drug Enforcement Administration was organized in July of 1973 when five separate drug law enforcement agencies were merged. These were the Bureau of Narcotics and Dangerous Drugs, the Office of National Narcotics Intelligence, U.S. Customs Service Drug Investigations, the Office of Drug Abuse Law Enforcement and the Narcotics Advance Research Management Team. DEA kept custody of its predecessors' investigative records until they were twenty-five years old, whereupon they were destroyed according to DEA records schedules. DEA advises that it has no records older than twenty-five years in its holdings.

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 it appears in an investigative report. Indexed information is then cataloged electronically in the DEA's information retrieval system.¹

The HSCA compiled lists of names to be checked in the filing systems of several federal law enforcement agencies, including DEA. DEA retrieved records for all positive hits, although it is unclear whether individual documents were provided to the committee staff, or whether entire files (or

¹For 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 an investigative report. His name is indexed, and the document yields a positive hit when the airplane owner's name (or a similar name, or similar sounding name) is entered in the DEA information retrieval system.

file sections) were provided to the committee staff. DEA records destruction schedules for Congressional Affairs records slate destruction at two years so they have no record of what the HSCA staff was actually given. The staff notes cite only individual documents. Although, according to DEA, it is unlikely that documents responsive to HSCA requests were removed from the files for review. When the HSCA asked for all file references on an individual, DEA's response covered all documents indexed under that individual's name. Because of the emphasis on intelligence in the DEA information system, the slightest connection between a person, location, or vehicle can yield a positive search result.

Prior to contact from the Board, the DEA had not reviewed any of its own records under the JFK Assassination Records Collection Act. We first sent the DEA, on July 25, 1996, 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. DEA used our list to conduct a search of their records system, and sent back the results of that search. Using the search results, we sent a request for files. DEA then determined which of these files were destroyed, and which were available for review.

My initial review of these files suggests that practically 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 or file sections containing HSCA-requested material (which typically will contain much unrelated information) under the Act, 2) instruct DEA to review only those documents actually responsive to the HSCA requests (such as those 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.