

April 24, 1998

Ms. Carol Keeley
Chief, Historical and Executive Review Unit
Federal Bureau of Investigation
10th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20536

Re: FBI Compliance with the JFK Assassination Records Collection Act

Dear Carol:

Thank you for meeting on April 9 with Laura Denk, Kevin Tiernan, and I to discuss the contents and submission of the FBI's Final Declaration of Compliance under the JFK Assassination Records Collection Act ("JFK Act").

In our meeting, we agreed that the FBI will submit its Final Declaration to the Review Board by August 1, 1998. In addition, we understand that the FBI will undertake the following as part of its effort to demonstrate that it has diligently searched for all records relating to the assassination of President Kennedy:

1. The FBI will include with its Final Declaration copies of the index cards that it maintained that identify main FBI files for the following assassination-related subjects: Lee Harvey Oswald, Marina Oswald, Jack Ruby, and John F. Kennedy. The FBI will include these index cards from FBI Headquarters, and the Dallas, New Orleans, Mexico City, and Washington, D.C. field offices.
2. The FBI will include with its Final Declaration the search results for any ELSUR (electronic surveillance) relating to the four subjects listed above (*i.e.*, Lee and Marina Oswald, Jack Ruby, and John F. Kennedy¹). To the extent the search results are not

¹Because there may be numerous miscellaneous references to President Kennedy in electronic surveillance conducted by the FBI on persons wholly unrelated to the events of the assassination, we recommend that you limit the disclosure of ELSUR search results on President Kennedy to any discussions regarding the assassination, and all references to President Kennedy during the years 1960

self-explanatory, please describe in layman's terms in the Final Declaration what ELSUR records were identified by the FBI's searches.

3. To document its compliance efforts, the FBI previously agreed that it would place in the JFK Collection relevant portions of its JFK Act administrative file (HQ 62-102905). The Review Board staff previously agreed to review the file to exclude documents that relate to FBI internal personnel and procedural matters. In addition, the FBI has slated for processing its tickler file that the Bureau used to identify the FBI files previously made available to the House Select Committee on Assassination (the "HSCA Subjects.")

4. The Final Declaration of Compliance should certify that the FBI has made a diligent search to locate any files on the Kennedy assassination that would not be identified in the Central Record System ("CRS") index.

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a. We are specifically interested in any groups of assassination records that may have been separately maintained by top FBI officials with responsibility for investigating the assassination². When we discussed these files of top level officials in our meeting, you said that you could not state whether such files are still extant and in the possession of the FBI. The Review Board would like to verify that the FBI has searched *all* of its record groups for assassination-related files. As part of the compliance program, we are *not* requiring the FBI to read every document maintained by the FBI's top officials in the 1960s *that are still in the possession of the Bureau*. We would, however, expect the FBI to locate any *separate* files on the assassination of President Kennedy, if that file existed in the working files of one of the FBI's Assistant Directors in 1963, *even if a search of the CRS did not alert the FBI that such a file existed*. Accordingly, we ask that you confirm in the Final Declaration whether or not the FBI maintains any separate files on the Kennedy assassination that were among the working files of the top-level FBI officials identified in our January 22, 1997 letter to you. If the FBI locates any such discrete and identifiable files on the assassination, the FBI should process the file under the JFK Act.

b. In addition, the Final Declaration of Compliance should certify that the FBI has made a diligent search of the indices listed in my March 2, 1998 letter to you. To the extent that these indices are encompassed in a search of the CRS, please note that in the compliance statement.

5. You stated that you would check to see whether you could obtain any further information regarding the destruction of records from the Dallas office in which Oswald and Ruby appeared as "see" references.

Thank you again for your cooperation, and please feel free to contact us if you have any questions or wish to discuss these matters any further.

Sincerely,

²As you know, we first raised the question as to whether the FBI maintains files of former top-level officials in early 1997. See Jan. 22, 1997 Letter from P. Golrick to C. Keeley.

Ronald G. Haron
Associate General Counsel

cc: T. Jeremy Gunn
Laura Denk
Kevin Tiernan