

MEMORANDUM

April 10, 1998

To: T. Jeremy Gunn
cc: Laura Denk
Kevin Tiernan

From: Ronald G. Haron

Subject: Meeting with FBI Regarding its Compliance Statement under the JFK Act

On April 9, Laura, Kevin and I met with Carol Keeley, LuAnn Wilkins, both of the FBI's Historical and Executive Review Unit, and Eleni Kalisch from the FBI's Office of Legal Counsel, to discuss the FBI's compliance statement under the JFK Act. We followed the outline that I sent to Carol Keeley in my March 2, 1998 letter (attached.) Ms. Keeley addressed most of our questions. Set forth is a brief summary of our discussion.

Adequacy of Searches Generally

The FBI searched its Central Records System ("CRS") indices (including all informant files) and its ELSUR indices at HQ and in the field offices. Ms. Keeley agreed to check on whether the the FBI searched the other indices listed on page one of my outline.

The FBI agreed to attach to the final compliance statement copies of the CRS index cards that identify the FBI's main files for four assassination-related Lee Harvey Oswald, Marina Oswald, Jack Ruby and John F. Kennedy. For practical purposes, we decided not to expand the request beyond these individuals and to include only HQ cards and cards from the field offices in Dallas, New Orleans, Mexico City and Washington, D.C. field offices. Likewise, we did not request the FBI to produce index cards from the cross-reference card file. Ms. Keeley confirmed that the CRS main file cards would show whether an informant file (134 or 137 classification file) exists for Lee Harvey Oswald. Ms. Keeley also stated that, at some future date, the FBI will accession the original cards to NARA pursuant to the FBI's regular document retention procedures.

The Bureau will also include copies of the ELSUR search slips on these subjects.

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 62-10290). 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 "HSCA subjects."

Administrative Files

We asked whether the FBI could provide a listing of all of its administrative files (62 and 66 classification files.) Even though we have the primary assassination-related admin files such as the the Warren Commission admin. file, the HSCA admin. file, the JFK assassination investigation admin. file, and the Church Committee admin. file, I believe that administrative files may contain assassination related records (the Hoover telephone logs and Tolson's chron file are classified as admin. files.) Ms. Keeley thought that the FBI would have already located any assassination records in administrative files as part of the CRS search. Ms. Keeley explained that there are over a million administrative files and that the FBI could only generate a computer index for those files created after 1978, when the CRS was automated. Thus, the FBI would have to list files from its card file to encompass pre-1978 files. We agreed that the costs associated with the FBI's creation of this list would likely outweigh any benefits that such a list would provide.

Files of Top FBI Officials

I am not satisfied with the FBI's explanation for whether the FBI has any working, or "ticker" files that were separately maintained by top FBI officials during the assassination investigation. The FBI has not conducted a separate search for such files in the CRS. In response to my question about whether these types of files might have been sent to storage without being assigned a CRS file number, Ms. Keeley said that she simply did not know, nor does she know whether the FBI maintains such files. I believe that FBI has not conducted a separate search for these records because they believe that any assassination records that exist in these files would appear in a CRS search. LuAnn Wilkins stated that, in her experience, records that appear in working files tend to be duplicative of records that are present in the CRS.

We discussed whether the FBI's search for files of top-level officials is a "compliance-related" issue or a simply a potential request for additional information.¹ To the extent that it is a compliance issue, I recommend that we have the FBI document their search for assassination records in the files of top-level officials, and require the Bureau to include as part of the documentation an explanation of their search for the files of those officials. On the other hand, if we want to review all of the records in the files of the top-level officials at issue, we need to make an additional request. I believe that this category is sufficiently important that we should consider making a separate search request to the FBI. Regardless of which approach we take, we should suggest that the FBI consult with the FBI's "archival office" referenced in the compliance statement when it attempts to locate the files.

¹ I note that, in Phil Golrick's January 22, 1997 letter to Ms. Keeley, we had previously raised, as a compliance issue, the matter of identifying any existing working files for top FBI officials.

Destruction of Records

We asked for a description of the Dallas “see” reference documents that were identified in the compliance statement as having been destroyed. Ms. Keeley said that she would check to see whether there is any further information describing the files in which the “see” references appeared.

Submission of Final Compliance Statement

Ms. Keeley asked when we would like to have the Final Declaration of Compliance submitted to the Review Board. I suggested August 1, 1998.