

AFFIDAVIT OF CAROL KEELEY

On first being duly sworn, affiant states as follows:

(1) I, Carol Keeley, am a Supervisory Paralegal Specialist at the JFK Task Force at the Federal Bureau of Investigation (FBI) at FBI Headquarters (FBI HQ), in Washington, D.C. Because of my official duties, I am familiar with the procedures that the FBI follows in searching for documents including those requested by the Assassination Records Review Board (Review Board) pursuant to the *President John F. Kennedy Assassination Records Collection Act of 1992*, 44 U.S.C. § 2107 (1992), commonly known as the JFK Act. Specifically, I am aware of the treatment which the FBI afforded the May 9, 1995, request of the Review Board, regarding “any and all FBI informant files (or ‘source’ files) on Orest Pena (also known as Orestes Pena or Orestes Farnicio Pena Alfonso) presently or previously maintained by FBI Headquarters or any FBI field office, legal attache or resident agency.” (See Exhibit A).

I. EXPLANATION OF FBI HQ’S CENTRAL RECORDS SYSTEM FILES AND GENERAL INDICES

(2) The Central Records System at FBI HQ enables the FBI to maintain pertinent information that it has acquired in the course of performing its investigative responsibilities. The FBI maintains in the Central Records System records consisting of administrative, applicant, criminal, personnel, and other files compiled for investigative purposes. This system consists of a numerical sequence of files sorted according to subject matter. The subject matter of a file may relate to an individual, organization, company, publication, activity, or foreign intelligence matter. The Central Records System is the system of records that the FBI searches to locate the type of information

responsive to the Review Board's May 9, 1995, request.

(3) The FBI maintains General Indices to the Central Records System at FBI HQ. These indices contain information from FBI files, arranged according to the names of individuals, groups, or organizations that are listed in case captions (i.e., titles) as subjects, suspects, or victims. An index reference can be either a "main" index reference or a "cross-reference" index. A "main" index reference corresponds to the name of an individual, organization, activity, or the like, that is the main subject of a file maintained in the system. A "cross-reference" index reference corresponds to a mention or reference to an individual or organization that is located in the body of a communication in a file concerning the investigation of another individual, organization, or event. The FBI maintains the General Indices in alphabetical order.

(4) An automated index provides access to all non-criminal records (including security records) created since January 1, 1958, and to all criminal records created since January 1, 1973. A manual index that consists of 3 x 5 index cards covers those records created before the above dates. However, these indices contain only that information the FBI considers pertinent, relevant, or essential for future retrieval. The indices provide a way to access the millions of records that the FBI maintains in the Central Records System files. By searching the name of a requested subject in the main and cross-reference indices, the FBI can locate records concerning that particular subject (such as "Orest Pena -- also known as Orestes Pena or Orestes Farnicio Pena Alfonso.")

(5) Generally, the investigating FBI Agent or Supervisor in the field, and the supervising FBI Agent at FBI HQ, make the decision to index the name of an individual or organization located

within the body of a communication. However, the FBI automatically creates those subjects, suspects, or victims that appear in a case caption (title).

II. RESULTS OF SEARCHES FOR RECORDS RESPONSIVE TO REVIEW BOARD'S REQUEST

(6) In response to the Review Board's request to FBI HQ, the FBI conducted a de novo search of the manual and automated General Indices of the Central Records System at FBI HQ for documents concerning "Orest Pena (also known as Orestes Pena or Orestes Farnicio Pena Alfonso)." The Central Records System is the place that responsive records on Pena would be located. A similar search of manual and automated indices, as more fully described in Exhibit D, was conducted in the FBI's New Orleans Field Office. "FOIMS" mentioned in Exhibit D is the FBI's Field Office Information Management System, the automated indices searched in the New Orleans' FBI Field Office.

(7) I have attached to this declaration true and correct copies of the following documentation of the FBI's search:

(a) a three-page FBI HQ search slip documenting both the undated request for the information and the June 27, 1995, searcher's response after searching both the automated and manual (inactive) indices at the FBI's Special File Room at FBI HQ, (Exhibit B);

(b) a three-page FBI HQ search slip consisting of a June 26, 1995, request for the information and the undated response documenting the searcher's findings upon searching both the automated and manual (inactive) indices at the FBI's Special File Room at FBI HQ, (Exhibit C);

(c) a nine-page facsimile from the New Orleans FBI field office to FBI HQ documenting the results of their manual and automated indices search for the requested information, (Exhibit D).

(8) Although a number of FBI files contain references to Orest Pena, Orestes Pena, and Orestes Farnicio Pena Alfonso, the FBI did not locate any FBI informant files or source files on the requested subject. The basis for this conclusion is that Pena was not listed in the FBI New Orleans confidential Indices, where he would have been indexed if he had been an informant or source of that office; and my review of the "main" FBI HQ files (105-130460, 44-74562, 166-7369, 105-130469, 174-3727) located in the above-described search indicated they are not informant or source files.

Carol Keeley
Supervisory Paralegal Specialist
John F. Kennedy Assassination Records Review
Group Task Force
FBI Headquarters
Washington, D.C.

Subscribed and sworn to before this
_____ day of August, 1995.

Notary Public