

Chapter 7: Federal Agency Compliance with the JFK Act

A. Introduction

The JFK Act directed Federal agencies to search for records relating to the assassination of President Kennedy and to transfer those records to the JFK Collection at NARA for public disclosure. As explained earlier in this report, the agencies began their compliance activities even before President Clinton nominated the Review Board members in 1994. Once the Review Board existed, it assessed the efforts that Federal agencies had taken to comply with the terms of the JFK Act.

In late 1996, the Review Board initiated a formal program to ensure, to the fullest reasonable extent, that all relevant agencies were complying with the JFK Act. The Review Board's "compliance program" stressed agency obligations to search for and publicly release records relating to President Kennedy's assassination. As part of its compliance program, the Review Board asked each agency to submit a declaration, under penalty of perjury, describing the record searches that it completed, the assassination records that it located, and any other actions it took to release assassination records. The Review Board established the compliance program in furtherance of the JFK Act's mandate that there be "an enforceable, independent and accountable process for the public disclosure" of records on the Kennedy assassination.ⁱ

Before agencies submitted their Final Declarations of Compliance, the Review Board staff worked with the various agencies to resolve outstanding compliance problems. Among the issues that the Review Board addressed with the agencies were: (1) the overall scope and adequacy of the agency's search for assassination records; (2) the adequacy of the agency's responses to the Review Board's requests for additional information and records; (3) the agency's disposition of relevant records, which, in some cases required agencies to account for the destruction of assassination records; and (4) the timeliness of the agency's processing of its assassination records.

B. Federal Agency Compliance with the JFK Act

This chapter sets forth a description of the major compliance activities that each relevant Federal agency completed -- or attempted to complete -- in its efforts to comply with the JFK Act. Each section will describe work that a particular agency completed, both before and during the Review Board's existence.ⁱⁱ The chapter discusses the compliance efforts of those agencies listed below. The chapter discusses, in approximate order of interest, the most relevant agencies first.

1. Central Intelligence Agency
2. Federal Bureau of Investigation
3. Secret Service
4. National Security Agency

5. Department of State
6. Department of Justice
 - a. Office of Information & Privacy
 - b. Criminal Division
 - c. Civil Division
 - d. Civil Rights Division
 - e. Office of Legal Counsel
7. Department of the Treasury
 - a. Main Treasury
 - b. Bureau of Alcohol Tobacco & Firearms
 - c. Customs Service
 - d. Internal Revenue Service
8. National Security Council
9. President's Foreign Intelligence Advisory Board
10. Immigration & Naturalization Service
11. Office of the Secretary of Defense
12. Defense Intelligence Agency
13. Department of the Army
14. Department of the Navy
15. National Naval Medical Center in Bethesda
16. Department of the Air Force
17. Joint Chiefs of Staff
18. White House Communications Agency
19. Postal Service
20. Drug Enforcement Administration
21. Library of Congress
22. National Archives and Presidential Libraries
 - a. National Archives, Washington, D.C.
 - b. National Archives -- Southwest Region, Fort Worth, Texas
 - c. Gerald R. Ford Library
 - d. John F. Kennedy Library
 - e. Lyndon B. Johnson Library
23. General Services Administration
24. Congressional Records
 - a. House Select Committee on Assassinations
 - b. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities ("the Church Committee")
 - c. House Select Committee on Intelligence ("the Pike Committee")
 - d. House Judiciary's Subcommittee on Civil & Constitutional Rights
 - e. House Government Operations Subcommittee on Government Information and Individual Rights
 - f. House Committee on Un-American Activities
 - g. Other Congressional Records

Central Intelligence Agency. The Review Board considered complete disclosure of all CIA records relating to Lee Harvey Oswald and the Kennedy assassination to be one of its highest priorities. In 1992 and 1993, immediately after Congress passed the JFK Act, the CIA began to assemble its assassination records. Chapter 5 of this report describes the record groups that CIA identified for review.ⁱⁱⁱ The CIA had processed under the JFK Act some relevant assassination records and transmitted those records to NARA in 1993.^{iv}

[provide a brief history of CIA’s Historical Review Group, their relationship to the rest of CIA, and how we worked with them to achieve compliance.] A number of CIA officers facilitated the difficult process of resolving conflicting national interests, including JFK Project Chief J. Barry Harrelson, former Historical Review Group Chief John F. Pereira, and the current chief of the Historical Review Program, James R. Oliver. The Review Board did encounter CIA officers, almost exclusively from the Directorate of Operations, who resisted compromise, unnecessarily impeded the review process and, ultimately, damaged the CIA’s interests with their all-or-nothing positions. The Board quickly learned that, whenever it and its staff were able to deal directly with knowledgeable experts throughout the Agency on substantive issues or records, the parties came to mutually acceptable decisions to release or postpone assassination records. The interposition of zealous but inadequately informed staff officers between the Board or its staff and the affected operational divisions was the single most pernicious influence encountered by the Board in its dealings with the CIA.

As Chapter 6 of this report describes, the Review Board made 16 formal requests and 37 informal requests to the CIA for additional information and records. **[describe, in compliance terms, why we distinguished between “formal” and “informal” requests.]** The CIA was reluctant to provide the Review Board full access to its files. **[describe difficulties gaining access and agreement to limit access to only one or two Review Board staff members at any given time.]** Although the Review Board staff experienced some resistance from CIA in gaining access to records, the CIA eventually cooperated and provided responsive records and information.

In mid 1998, several months before the Review Board would terminate its operations, Review Board staff member Michelle Combs requested and received a record that led the CIA to discover several records relating directly to Lee Harvey Oswald, including (a) an Office of Security file on Oswald and (b) a previously undisclosed “continuation” of the Oswald 201 file containing a small number of documents post-dating the 1977-78 HSCA investigation. Given that the Review Board’s mandate is, in part, to restore public confidence in government, CIA’s belated discovery of the records disturbed the Review Board.

In an effort to ensure that the CIA fully understood its JFK Act obligations, the Review Board subsequently reviewed with CIA several outstanding compliance issues.^v At that time, the Review Board requested that CIA Director George Tenet issue a directive to all components

of CIA requesting that they identify any records relating to the assassination.^{vi} Tenet issued the directive. Other measures were suggested by the Review Board, and these were undertaken by CIA.

On September __, 1998, the CIA submitted, under penalty of perjury, its Final Declaration regarding compliance with the JFK Act. The CIA represented, among other matters, that: [Discuss significant representations by CIA].^{vii}

Working with CIA

The Review Board's work with the CIA has been through the auspices of the Agency's Historical Review Program (previously the Historical Review Group) under JFK Program Chief J. Barry Harrelson. HRP reviewed documents, referred documents within CIA, answered questions, negotiated issues with the Review Board staff, and, after the Board's vote, processed the documents for release to the National Archives. The HRG reviewers were all CIA annuitants with twenty years or more experience working as independent contractors. Beginning with a staff of 14 in 1992, by the summer of 1998, the staff had grown steadily to encompass most of HRP's resources with 29 reviewers and 9 administrative and support personnel. HRP also drew on CIA-Wide resources for searches, reviews answers to questions, and additional materials. From 1993 until December 1997, HRG functioned as part of the Center for Studies in Intelligence and, its chief, John F. Pereira, was the Director of Central Intelligence's personal representative to the Review Board. In January 1998, an internal CIA re-organization renamed HRG the Historical Review Program and moved it to join other Agency declassification, release, and publication efforts in the Office of Information Management under its director Edmund Cohen.

Federal Bureau of Investigation. The Review Board considered FBI records to be of very high public Like CIA records, disclosure of FBI records on the assassination were considered by the Review Board to be of paramount importance. After passage of the JFK Act, the FBI established a JFK Act Task Force and proceeded to transfer to the National Archives its major official files on: the JFK assassination investigation; Lee Harvey Oswald; Marina Oswald; Jack Ruby; and other figures associated with events of the assassination (including Ruth and Michael Paine, George DeMohrenschildt, David Ferrie, and Clay Shaw). These files were collected from FBI Headquarters and from FBI field offices, including most importantly the Dallas and New Orleans offices. These key FBI files relating to the Kennedy assassination had been identified over the years through FBI responses to FOIA requests and came to be known as the "core and related" files. The FBI also began to forward to the JFK Collection various FBI files, including files on organized crime figures, that had been inspected by the HSCA and sequestered pursuant to agreement between the HSCA and the FBI.

After appointment of the Review Board members, the Board established a team of staff members

devoted to identifying and seeking release of other FBI records relating to the assassination. Additional categories of FBI records were identified for inspection both through Review Board research, as well as public suggestions. The Review Board formally submitted to the FBI over 50 requests for additional records that were deemed sufficiently important for review under the JFK Act. The FBI responded to all requests and made available for Review Board inspection original files sought by the Board. These records included FBI files on Edwin Walker, various anti-Castro groups, Warren Commission critics, and right-wing groups in Dallas to name a few. In addition, the Review Board requested that all files of J. Edgar Hoover, including his Official & Confidential (“O&C”) files, be made available for inspection by the Review Board. The Review Board designated, as assassination records, two O&C files that were maintained on John F. Kennedy. Certain other materials were also designated from the O&C files. *See* Review Board Staff Memorandum (dated Jan. 8, 1998). The Review Board also asked the FBI to locate certain other records that were apparently maintained by Director Hoover on the assassination. *See* April 22, 1997 Review Board Letter to the FBI. The FBI could not locate or account for these materials. The Review Board also sought to inspect the office files of Associate FBI Director Clyde Tolson, the number two man at the FBI at the time of the assassination. The FBI made available certain office files of Mr. Tolson from 1965, but could not account for his files from 1963-64.

In April 1998, the staffs of the FBI and the Review Board met to address any outstanding matters with respect to the FBI’s compliance with the JFK Act. The compliance program with the FBI focused primarily on the adequacy of the FBI’s searches under the JFK Act. While the FBI had previously identified the major official files relating to the assassination, and had provided the files that were sought under the Review Board’s formal requests, the Review Board staff raised certain additional records issues, including identification of any working files for the top FBI officials with responsibility for investigating the Kennedy assassination and accounting for all relevant electronic surveillance that related to the assassination. *See* January 22, 1997 and May 11, 1998 Review Board Letters to FBI.

The FBI requested all 56 of its field offices to identify any electronic surveillance in which key persons associated with the assassination were either speaking, or referred to, in conversations monitored by the FBI. The FBI searched its “elsur indices” under Lee Harvey Oswald, Marina Oswald, Jack Ruby, John F. Kennedy, Marguerite Oswald, George DeMohrenschildt, Ruth Paine, and Michael Paine. *See* FBI Final Declaration of Compliance (dated August 20, 1998). The FBI certified that it identified only one instance where the conversation of a key figure was recorded, and that was the electronic surveillance of Marina Oswald in Dallas following the assassination.¹ All other relevant electronic surveillance identified by the FBI consisted of so-called “overhears,” where a person is mentioned in a conversation.^{viii} The Review Board did not have a chance to evaluate all of this electronic surveillance, but the FBI certified that these would be reviewed and processed under the JFK Act. *See id.* Other electronic

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surveillance, including of organized crime figures, was processed under the JFK Act to the extent identified or made available to the HSCA. In addition, the Review Board specifically designated electronic surveillance on Carlos Marcello, a New Orleans organized crime figure, in connection with the Brilab investigation, and the FBI released those portions relating to the assassination.

Because the FBI has a well-indexed, centralized file system, the FBI's official main files on the Kennedy assassination and on key figures associated with the assassination story were readily identified and processed under the JFK Act. However, the Review Board sought to determine whether or not the FBI maintained work or office files on behalf of the top FBI officials with responsibility for investigating the assassination and assisting the Warren Commission. Acting on the Review Board's inquiry, the FBI requested "all FBIHQ Divisions . . . to conduct searches for any materials not retrievable through" the FBI central records system and that may have been maintained by top FBI officials. *See* FBI Declaration, at 4. As a result, certain FBI Divisions did forward additional office files relating to the assassination. *See id.* [Check w/FBI -- what additional materials were found]

At the time of this Report, the bulk of FBI records relating to the assassination had been placed in the JFK Collection. However, the FBI has certain additional materials to be processed under the JFK Act. The Review Board and the FBI have entered into a memorandum of understanding specifying the remaining FBI records to be released under the JFK Act. *See* September --, 1998 MOU.

Secret Service. The major contribution by the Secret Service to the JFK Collection is the Secret Service's official file on the Kennedy assassination (Secret Service File No. 34, 030), which the Secret Service transferred to the National Archives in 1979.^{ix} After passage of the JFK Act, the Secret Service conducted additional searches, particularly among its archive holdings, for additional records relating to the assassination. *Id.* In addition, the Review Board submitted to the Secret Service 21 separate requests for records. The Secret Service was generally cooperative in making the requested records available to the Review Board.

The Secret Service designated, as assassination records under the JFK Act, additional materials beyond those contained in the official case file for the Kennedy assassination. Among the records designated were Secret Service shift reports for the White House Detail for November 1963; Presidential Protective Survey Reports for the period 1961 through December 1963 (these are files maintained in connection with a Presidential trip or event); and correspondence from the public on Presidential security. The Review Board also designated, as assassination records, a master logbook listing all protective intelligence cases maintained by the Secret Service in the early 1960's, as well as some actual protective intelligence files.

The Review Board also sought to obtain any office or working files that may have been separately maintained by James Rowley, Chief of the Secret Service at the time of the assassination. *See* October 27, 1995 and December 31, 1997 Review Board Letters to the

Secret Service. The Secret Service did locate various Rowley correspondence and memoranda, but did not (or could not) provide any information as to the disposition of any working files maintained by Chief Rowley. The Review Board also sought information as to the identity and disposition of any working files maintained by Robert Bouck, who was head of the Protective Research Service at the time of the assassination. *See* January 6, 1997 and December 31, 1997 Review Board Letters to the Secret Service. In this capacity, Mr. Bouck was responsible for the collection of information relating to potential threats to the President and Vice-President. Mr. Bouck testified before the Warren Commission regarding protective intelligence information gathered in connection with President Kennedy's trip to Dallas. As with Chief Rowley, the Secret Service identified various Bouck documents, but did not (or could not) account for whether there were any personal working files maintained by Mr. Bouck.^x

The Review Board requested the Secret Service to explain the circumstances surrounding the destruction, after passage of the JFK Act, of certain Presidential Protection Survey Reports for President Kennedy (the destroyed materials did not relate specifically to President Kennedy's trip to Dallas, but rather included materials relating to Presidential trips between September 24, 1963 and November 8, 1963 [double check]). The Secret Service formally explained the circumstances of this destruction in correspondence and an oral briefing to the Review Board.^{xi} The Review Board also sought to account for certain additional record categories that might relate to the Kennedy assassination. For example, the Review Board sought information regarding a protective intelligence file on the Fair Play for Cuba Committee ("FPCC") and regarding protective intelligence files relating to threats to President Kennedy in the Dallas area (the Dallas-related files were disclosed to the Warren Commission). *See* June 26, 1998 and July 29, 1998 Review Board Letters to the Secret Service. The FPCC and Dallas-related files apparently were destroyed, and the Review Board sought any information regarding the destruction. *See* July 29, 1998 Review Board Letter. [Summarize Secret Service response from its Final Declaration].

National Security Agency. Despite the highly classified nature of its operations, the National Security Agency ("NSA") was fully subject to the JFK Act and did conduct searches for assassination records as required by the Act. Many of the assassination records located by NSA came from archival holdings of its Legislative Affairs Office and General Counsel's Office and related to NSA responses to prior investigational inquiries regarding the assassination.^{xii} In March 1995, the NSA briefed the Review Board as to how it had conducted its searches for assassination records and, in addition, submitted answers to specific questions submitted by the Review Board as to records that NSA might have relating to the assassination. *See* June 1, 1995 NSA Letter to the Review Board. The Review Board thereafter submitted additional questions to NSA, particularly regarding intelligence holdings that NSA might have relating to Cuba or the Soviet Union. *See* August 29, 1995 and November 28, 1997 Review Board Letters to NSA (the November 28, 1997 Review Board Letter to NSA remains classified). NSA was cooperative in answering the Review Board's questions, including submitting a detailed set of responses to Review Board inquiries regarding intelligence holdings on Cuba and the Soviet Union that might lead to relevant information relating to the assassination. *See* April 1, 1998 NSA Letter to the Review Board (attached in redacted form to NSA's Final Declaration). NSA stated that "both

Cuba and the USSR were targets of high interest during the time of the assassination,” and that NSA files relating to those countries were searched. NSA concluded that “[t]hese searches produced records that primarily reflected reactions to the assassination.” NSA Final Declaration ¶ 9.

In addition to seeking relevant intelligence records relating to Cuba and the Soviet union, Based on our overall review of NSA’s responses, the Review Board requested that NSA locate the original files of top NSA officials during the period of the Warren Commission (NSA Director Lt. Gen Gordon Blake and NSA Deputy Director Dr. Louis Tordella). NSA located materials on the Warren Commission from files of Deputy Director Tordella and, at the time of this report, was still trying to locate the files of the NSA Director for the relevant time period.

With respect to NSA’s review of its intelligence holdings, NSA “certifie[d] that it has neither located, nor is it withholding, any intelligence records containing information of investigatory significance to the Kennedy assassination.” NSA Final Declaration ¶ 10. NSA advised the Review Board that its relevant intelligence records had “report[ed] on reactions to the assassination” and that they did not contain “unique information” on the “planning , execution, or investigation” of the assassination. *Id.*

Department of State. The State Department’s main record holdings regarding the assassination were transferred to the National Archives in 1989. These were so-called “lot files” (numbered 69 D 186 and 85 D 275) consisting mostly of records relating to the State Department’s work relating to the Warren Commission investigation. The files came from the State Department Legal Advisor’s Office and from the Office of Security and Consular Affairs.^{xiii}

After passage of the JFK Act, the State Department conducted additional searches for records relating to the assassination. Among the additional records identified under the JFK Act and transferred to the National Archives were: a third lot file on the assassination (Lot No. 79 D 248 [double check that this is at NARA]; diplomatic cables regarding foreign reaction to the assassination; records from the Mexico City Post File (Lot No. 69 F 197); documents from the records of Llewellyn E. Thompson, former Ambassador to the Soviet Union; records of Secretary Dean Rusk, including memoranda summarizing telephone conversations he had regarding the assassination; and working files on the assassination maintained by U. Alexis Johnson, then Deputy Undersecretary of State. *See* April 23, 1997 Review Board Staff Memorandum.

The Review Board’s main efforts under the JFK Act were to ensure that the State Department had inventoried all files of the top State Department officials who would have had some official involvement with the investigation of the assassination, including Secretary of State Dean Rusk, Under Secretary George Ball, Deputy Undersecretary Alexis Johnson, Ambassador Thompson, Ambassador Thomas Mann, and certain other State Department officials. *See* April 21, 1997 Review Board Letter to the State Department. The State Department was very cooperative in making available to the Review Board manifests for these archive records and, in many cases, the

files of these officials were transferred to the National Archives pursuant to the declassification requirements specified in Executive Order 12958. *See* August 7, August 20, 1997, and January 15, 1998 State Department Letters to the Review Board. In view of the State Department's representations regarding its declassification efforts under the Executive Order, the Review Board determined that a further detailed review of these records for assassination-related materials was not necessary. *See* December 29, 1997 and January 15, 1998 Review Board Staff Memoranda.

Department of Justice. The Review Board considered Department of Justice records to be of significance under the JFK Act. The Review Board worked separately with each of the relevant divisions of the Department of Justice to identify and release records under the JFK Act.

Accordingly, the Review Board worked with the Office of Information & Privacy ("OIP"), responsible for so-called "leadership offices;" the Criminal Division; the Civil Division; the Civil Rights Division; and the Office of Legal Counsel. The work of each Division is summarized below.

OIP. This office is responsible for records of the "leadership offices" of the Department of Justice, including records of the Attorney General, Deputy Attorney General, and Associate Attorney General. In addition, OIP is responsible for handling FOIA requests and appeals directed against all entities within the Department of Justice.

After passage of the JFK Act, OIP had identified materials relating to FOIA litigation over records relating to the JFK assassination, and these materials were placed in the JFK Collection.^{xiv} OIP also located and designated as assassination records the following: (1) certain files of Robert Keuch, who was DOJ's liaison to the HSCA; (2) a file of Attorney General Edward Levi (entitled, "FBI/JFK Assassination Investigation"); (3) a file of Attorney General William Barr; (4) files from DOJ's Office of Public Affairs; (5) documents from DOJ's Departmental Review Committee involving administrative appeals of FOIA requests; and (6) an historical file containing assassination-related documents from "leadership offices" and that have been the subject of past FOIA litigation.^{xv}

The Review Board raised with OIP the issue of whether there were any separately maintained files for Attorneys General Robert F. Kennedy, Nicholas Katzenbach, and Ramsey Clark in view of their positions and respective involvement with investigations of the assassination. *See* December 10, 1996 and March 31, 1997 Review Board Letters to OIP. OIP reported that records of the Attorney General and Deputy Attorney General were not maintained as a separate file system until 1975 under Attorney General Edward Levi.^{xvi} Two archivists for the Department of Justice also confirmed that distinct files for the Office of Attorney General were not archived prior to 1975 and that there were no separately maintained files for Messrs. Kennedy, Katzenbach, and Clark (any such files were most likely to be at a Presidential Library). *See* OIP Final Declaration; March 31, 1997 Review Board Letter.

With respect to Attorney General files post-dating 1975, the Review Board sought to inspect the

files of Attorney Generals Edward Levi and Griffin Bell for any materials relating to the Kennedy assassination investigations of the Church Committee and the HSCA. OIP made available for inspection certain original files for Attorneys General Levi and Bell, and additional assassination records were designated. The designated files related mostly to DOJ's work with the HSCA and the Church Committee. See Oct. 8, 1997 Review Board Staff Memorandum; October 9, 1997 Review Board Letter to OIP.

Criminal Division. After passage of the JFK Act, the Criminal Division placed into the JFK Collection its official files relating to the Kennedy assassination, including its main file on the assassination (DOJ File No. 129-11) and its file on FBI handling of the assassination investigation (DOJ File No. 51-16-1113).

After surveying the materials that the Criminal Division had identified, the Review Board requested that the Division make available certain additional files. For example, the Review Board requested that the Criminal Division make available all files separately maintained by Herbert J. Miller, Jr., Assistant Attorney General for the Criminal Division at the time of the assassination. (Mr. Miller had been designated as DOJ's "liaison" to the Warren Commission. See February 24, 1964 Memorandum of Mr. Miller). The Review Board also sought the files of J. Walter Yeagley, Assistant Attorney General for the Internal Security Division, to determine whether he (or his office) had any pre-assassination records relating to Oswald. See December 11, 1996 Review Board Letter to the Criminal Division. The Criminal Division represented that no discrete files were maintained for Messrs. Miller² and Yeagley.^{xvii}

The Review Board also sought to inspect the Criminal Division's extensive files on certain organized crime figures in view of various assertions that organized crime was involved in the assassination of President Kennedy. The Review Board therefore asked to see organized crime files on individuals who were alleged to have had involvement in the assassination, who were associated in some manner with Jack Ruby, or who had made claims of organized crime involvement in the assassination. See April 8, 1997 Review Board Letter to the Criminal Division. These files were reviewed by the Review Board staff, and specific materials were designated as assassination records. See November 24 and December 22, 1997 Review Board Letters to the Criminal Division; June 18, 1998 Review Board Staff Memorandum.

² Mr. Miller was later subpoenaed by the Review Board, and he had retained numerous records from his tenure as Assistant Attorney General for the Criminal Division.

In addition to the organized crime records, the Review Board requested that the Criminal Division undertake a further search for: internal security records that might relate to Oswald; records relating to the Jim Garrison investigation; and records relating to the Criminal Division's review of the HSCA's acoustical findings.³ See December 11, 1997 Review Board Letter to the Criminal Division. As a result of this request, additional original files were made available by the Criminal Division for inspection by the Review Board, and certain materials were designated as relating to the assassination. They included records on the Fair Play for Cuba Committee ("FPCC"), Vincent T. Lee (President of the FPCC), Yuri Nosenko, George DeMohrenschildt, and Major General Edwin Walker. See May 11, 1998 Review Board Letter to Criminal Division. No further records were located specifically on Oswald except some copies of miscellaneous letters of the Oswalds to and from the Soviet Union. See *id.* No further materials were located regarding the HSCA acoustical study re-examined by the National Academy of Sciences at the request of DOJ.⁴ See *id.* A file relating to Jim Garrison was identified (DOJ File No. 82-32-90), but the Criminal Division could not physically locate it. See *id.* The Review Board does not know what this file comprises.

At the time of this final report, major categories of assassination records in the custody of the Criminal Division had not yet been transferred to the JFK Collection at the National Archives. These included the organized crime and internal security records that had been identified by the Review Board. The Review Board is disappointed that these records have not been released at this time, but has received the Criminal Division's commitment to complete the process of declassification.

Civil Division. In 1993, the Civil Division transferred to the National Archives a small collection of documents that had been discovered among the secured files of the Director for the Federal Programs Branch. This collection of materials included pictures of the President's clothing after the assassination, documents relating to the autopsy, and memoranda relating to the availability of Warren Commission materials.^{xviii} Aside from these materials, no other assassination-related records had been placed in the JFK Collection.

³The HSCA Report concluded, based on acoustical analysis, that four shots were fired at President Kennedy. The National Academy of Sciences, working at the request of the Department of Justice, later re-examined the HSCA's acoustical findings.

⁴ The Criminal Division had earlier confirmed that documents on this topic were being processed under the JFK Act. See Criminal Division Initial Statement of Compliance, at 11-12.

Because the Civil Division defends Federal agencies in suits arising under the Freedom of Information Act (“FOIA”), the Division had numerous files on FOIA suits involving requests for Government records on the Kennedy assassination. Accordingly, the Review Board requested that the Civil Division release, under the JFK Act, its FOIA litigation case files relating to assassination records. See February 28, 1997 and December 1, 1997 Review Board Letters to the Civil Division. Initially, the Civil Division took the position that FOIA litigation files on JFK assassination records need not be reviewed or released under the JFK Act. See July 1, 1997 Civil Division Letter to the Review Board. However, the Review Board prevailed upon the Civil Division to release these FOIA files under the JFK Act. The various JFK-related FOIA cases were identified to the Civil Division by the Review Board (see December 1, 1997 and March 6, 1998 Review Board Letters), and they were transmitted to the JFK Collection.^{xix} 5

Additional records identified by the Civil Division were a litigation file in which Marina Oswald sued the United States to recover compensation for the Government’s taking of Lee Oswald’s rifle (but the file was destroyed in 1991) and a file relating to Yuri Nosenko’s appearance before the HSCA.^{xx}

Civil Rights Division. The Civil Rights Division located one major file under the JFK Act -- a file relating to civil rights complaints made against New Orleans District Attorney Jim Garrison (DOJ File No. 144-32-1220). That file was placed in the JFK Collection.^{xxi}

Office of Legal Counsel. The Office of Legal Counsel collected documents spanning from 1963 to the 1970’s and pertaining to legal aspects of the assassination, including legal issues involved in the start-up of the Warren Commission, public access to Warren Commission evidence, proposed legislation making Presidential assassination a federal crime, and responses to public inquiries about the assassination. These records have been transmitted to the JFK Collection. See December 13, 1996 Review Board Letter to OLC; October 27, 1997 OLC Letter to National Archives.

Department of Treasury. The Review Board worked with various components of the Department of Treasury, including Main Treasury (*i.e.*, the Office of the Secretary), Secret Service (discussed above), the Internal Revenue Service (“IRS”), the Customs Service, and the Bureau of Alcohol, Tobacco & Firearms (“ATF”).

Main Treasury. After passage of the JFK Act, Main Treasury had not identified any assassination records.^{xxii} In 1995, the Review Board specifically requested that Main Treasury review its holdings to identify any records relating to the assassination, including records of C. Douglas Dillon, Secretary of the Treasury at the time of the assassination and Warren Commission investigation. See May 24, 1995 Review Board Letter to Main Treasury. In the Summer of 1995, the Review Board staff independently reviewed archive transmittal forms for Treasury records and identified certain Treasury archive for review. These were then made

⁵ For a description of some of the major FOIA files, see March 6, 1998 Review Board Staff Memorandum.

available by Treasury to the Review Board. ed, and these were made fully available.^{xxiii} As a result of its review, the Review Board staff identified files of J. Robert McBrien relating to his work as Treasury's liaison to the HSCA and Church Committee.^{xxiv}

The Review Board, however, requested a more adequate accounting for the files of high-level Treasury officials who would have had involvement in the JFK assassination investigation, particularly in light of the fact that Secret Service was under Treasury and ultimately reported to Secretary Dillon. Accordingly, the Review Board asked for an accounting of the files of Secretary Dillon, Special Assistant to the Secretary Robert Carswell, Treasury Secretary John Connally, and General Counsel at the time of the Warren Commission investigation G. D'Andelot Belin. In addition, the Review Board sought any files relating to President Johnson's Committee on the Warren Commission (headed by Secretary Dillon) and files on investigative work that Treasury undertook for the Warren Commission.^{xxv} Treasury reviewed its record inventories and reported that its "review disclosed no additional JFK-related records."^{xxvi} Treasury also reported that it did "not have custody of any Dillon files"^{xxvii}, which presumably reside with a Presidential Library.

The Review Board staff in 1997-98 continued to review additional Treasury files, including files at the National Archives. No other assassination-related records were identified except some records of Treasury's General Counsel relating to the Warren Commission investigation, as well as some miscellaneous records for Secretary Dillon. See September 30, 1997 Review Board Letter to Main Treasury; see also Review Board Staff Memoranda dated Sept. 18, 1995, May 29, 1997, Nov. 5, 1997, and Jan. 23, 1998 (summarizing Review Board inspection of Treasury records at the National Archives).

Treasury has confirmed that all of its identified assassination records have been transferred to the JFK Collection at the National Archives. See Main Treasury Final Declaration ¶ 20.

Bureau of Alcohol, Tobacco and Firearms ("ATF"). ATF located no assassination records as a result of its early searches conducted after passage of the JFK Act.^{xxviii} The Review Board requested that ATF undertake to search its holdings for records from the 1963-64 period relating to ATF's assistance in the investigation of the JFK assassination, as well as its records from the late 1970's relating to its work for the HSCA. The Review Board specifically requested that ATF check for records from the ATF Field Office in Dallas, as well as records for the ATF Director and ATF Chief Counsel.^{xxix}

ATF was fully cooperative and documented its search efforts in detail and under oath. However, ATF located only a handful of records relating to its work with the HSCA.^{xxx}

The Review Board was disappointed that no Dallas ATF records relating to the assassination could be located or accounted for by ATF. One factor that may have explained the inability of ATF to locate any relevant records from the 1960's was the fact that ATF was not created as an independent entity until 1972. Before then, it was a component of the IRS.^{xxxi} The Review

Board therefore requested that IRS determine whether it had any pre-1972 ATF records relating to the assassination.^{xxxii} No such ATF records were located by IRS.^{xxxiii}

Customs Service. After passage of the JFK Act, Customs conducted a search of its Washington, D.C. headquarters files through computerized searches, as well as extensive review of its archival files with the assistance of Review Board staff. In addition, Customs field offices were instructed to search for assassination records. As a result, Customs did identify a modest number of assassination records.^{xxxiv}

Given the extensive searches, including particularly the Review Board's participation in the selection and review of archival files, the Review Board requested only some limited additional searches by Customs. In particular, the Review Board asked that Customs have its Dallas field office re-check for any relevant files. That was done, but no additional materials were identified. *See id.*

Internal Revenue Service. The identification and release of assassination-related records in IRS's custody has been a difficult one in view of the JFK Act's explicit provision that tax-related records continue to be exempt from public disclosure under Section 6103 of the IRS Code. *See* JFK Act § 11(a). The Review Board believes that significant assassination-related records of the IRS were precluded from release under the JFK Act. Most significantly, the JFK Act failed to secure the public release of Lee Harvey Oswald's tax returns and significant tax-related material in the files of the Warren Commission.⁶

[insert where appropriate. . . from Michelle's chapter
[obtain the information from the IRS. Next, the Review Board asked Marina Oswald if she would consent to the release of Oswald's tax returns, but she refused. Finally, the Review Board asked the IRS to consider any legal avenue for the release of the records. In a 20 page legal analysis, the IRS concluded that Oswald's tax records could not be released to the public. Thus, Oswald's tax return records, and other tax related information in Warren Commission files remain closed to the public.]

Notwithstanding Section 6103, the Review Board requested that IRS, at a minimum, collect and identify all records it had relating to the assassination. In 1994, IRS reported that it had identified, pursuant to the JFK Act, approximately 50 documents. *See* July 14, 1994 Treasury Letter to Review Board. These documents apparently related to a tax proceeding involving Jack Ruby's estate. *See* Jan. 27, 1997 Review Board Staff Memorandum. At the time, no further work was undertaken by IRS to release these documents or to identify any other

⁶In the Spring of 1997, Marina Oswald provided to the IRS a limited consent to have Lee Harvey Oswald's tax returns released to Ray and Mary La Fontaine, authors of *Oswald Talked: The New Evidence in the JFK Assassination*. While Marina Oswald declared her intent to have the La Fontaines ultimately release these returns to the public, they have not done so to our knowledge [confirm that IRS sent the returns to the La Fontaines]. The IRS continues to feel constrained under Section 6103 from publicly releasing the Oswald tax returns

records under the JFK Act.

In late 1996, the Review Board sought to clarify what IRS had done to locate additional records relating to the assassination and what it intended to release in light of Section 6103. *See* Dec. 13, 1996 Review Board Letter to IRS. In addition, the Review Board sought to inspect the assassination records that were, or would be, collected by IRS, including original tax returns of Lee Harvey Oswald, and records relating to IRS work with the Warren Commission. The Review Board also sought to ascertain the status and anticipated treatment of such records by IRS under the JFK Act. *See* Dec. 16, 1996 Review Board Letter to IRS. While IRS considered such records unreleasable to the public under Section 6103, the Review Board asserted its legal authority, under the JFK Act, to confidentially inspect IRS assassination records. However, the assassination records collected by IRS were not made available for our inspection. Only a year later did IRS affirm the Review Board's legal authority to inspect IRS assassination records. *See* April 30, 1998 IRS Letter to the Review Board (enclosing legal opinion).

In early 1998, the Review Board requested that IRS formally document its actions and compliance under the JFK Act. The Review Board requested that IRS affirmatively search for certain categories of records that might relate to the assassination and that IRS specifically identify any such records that it believed could not be released under Section 6103. *See* Jan. 28, 1998 Review Board Letter to IRS. The Review Board also requested that IRS review the tax-related records in the Warren Commission and HSCA holdings and determine which records could be released consistent with Section 6103.

The Review Board requested that IRS search for specific categories of records, including ATF records relating to the assassination investigation (ATF was part of IRS before 1972), records relating to Oswald and his employers, files of top IRS officials for the 1962-64 period, files relating to the Warren Commission or HSCA, and records relating to other individuals or groups associated with events of the assassination or its aftermath.^{xxxv} In late 1998, the IRS undertook comprehensive, agency-wide searches for any assassination-related records in its custody.^{xxxvi} As a result of its 1998 searches, the IRS located various tax-related records for Oswald's employers, as well as records of a 1973 joint IRS-DOJ strike force on organized crime [IRS identified this as possibly containing assassination records, but we need to verify]. The IRS followed-up on requests of the Review Board, but was unsuccessful in locating any assassination-related records for top IRS officials who assisted in the Warren Commission investigation, was unsuccessful in locating any Dallas ATF files, and was unsuccessful in locating any relevant Congressional (Church Committee or HSCA) liaison files.^{xxxvii}

Any tax-related assassination records were to be forwarded by IRS to the JFK Collection, but the records would remain confidential pursuant to Section 6103. The Board is of the opinion that legislation may be needed to secure the public release of Oswald tax returns, Oswald employer records verifying Oswalds' employment and income, and other records, particularly those in

the Warren Commission files.⁷

National Security Council. The National Security Council did not initially do any work under the JFK Act following its passage. In 1997, the Review Board contacted the NSC to ascertain whether it might have any records that would be relevant under the JFK Act. The NSC was fully cooperative in identifying and making available the records within its custody and control. NSC provided the Review Board with various inventories to records held off-site by NSC. NSC also made available certain records from its vault facilities in the Old Executive Office Building. NSC and Review Board staff worked together to designate those records to be processed as assassination-related under the JFK Act.^{xxxviii} Among the records that were designated were [Check with Michelle/Bob].

President's Foreign Intelligence Advisory Board. In early 1997, the Review Board requested that the President's Foreign Intelligence Advisory Board ("PFIAB") make available any 1963-64 records that might relate to the Kennedy assassination. PFIAB agreed to make available for the Review Board's inspection microfilm of agenda and minutes of PFIAB meetings held in 1963 and 1964. Over several months, the Review Board inspected these records and identified certain excerpts as assassination records. When the Review Board sought to have the records processed for public release, PFIAB took the position that these records were, in fact, not releasable under the JFK Act. Senator Warren Rudman, Chairman of PFIAB, appeared before members of the Review Board in August 1998 to present PFIAB's view that its records were not covered by the JFK Act and, furthermore, that the particular records identified by the Review Board were not assassination-related within the meaning of the statute. Having considered PFIAB's views, the Review Board nonetheless proceeded to formally designate the identified PFIAB records (many of which dealt with U.S. policy towards Cuba) as assassination records under the JFK Act. *See* August 26, 1998 Review Board Letter to PFIAB. The Review Board believed it had the full authority, under the JFK Act, to designate these records for public release. [Update latest status].

⁷The Board, to date, has unsuccessfully sought Marina Oswald's consent to release Oswald's tax returns in full to the public. There is the possibility that she may ultimately provide the requisite consent.

Immigration & Naturalization Service. In 1993, the Immigration & Naturalization Service (“INS”) conducted a records search in response to passage of the JFK Act.^{xxxix} Most of the files identified by INS were files on various individuals who had some connection to the assassination story. These files were identified by INS as having been previously made available to Congressional committees, including the HSCA. After consultation with other agencies, INS identified additional files as being pertinent under the JFK Act. See *id.* (A list of the INS files processed under the JFK Act is set forth in the INS Final Declaration of Compliance). While INS had identified numerous files under the JFK Act, none had been transferred to the National Archives until late 1996. The most significant records released by INS under the JFK Act were the INS files on Lee Harvey Oswald and Marina Oswald. These files contain documentation relating to the return of Lee Harvey Oswald, with his wife Marina, from the Soviet Union to the United States. Additional records located by INS were files on other individuals associated with events of the assassination, including David Ferrie, George DeMohrenschildt, Frank Sturgis, Sylvia Odio, Orest Pena, Luisa Calderon, and Nofio Pecora. See January 9, 1997 INS Letter to Review Board Letter.⁸ In late 1997, INS discovered, in its investigative section, that it had an extensive working file on Marina Oswald that contained 1963-64 records directly relating to the assassination. See November 10, 1997 Review Board Letter to INS.

INS had not, at the time of this Report, completed the transmission of its identified assassination records to the JFK Collection. Although INS had forwarded numerous files to the JFK Collection, including most importantly the files in Lee and Marina Oswald, INS had yet to forward files on certain lesser known figures, some miscellaneous documents from its subject files, and a work file on Carlos Marcello. See INS Final Declaration & Enclosure E thereto.

Office of the Secretary of Defense. The Office of the Secretary of Defense (“OSD”) had not identified any assassination records after passage of the JFK Act. In October 1995, Review Board staff met with various the Department of Defense officials and identified topics and record categories to be searched for under the JFK Act. See October 25, 1995 Review Board Letter to the Department of Defense. As a result, offices under the Secretary of Defense were instructed to search for assassination records and, in addition, OSD’s archival records were searched. Miscellaneous records were thereafter identified from the Secretary of Defense official correspondence files, including records on Cuba and correspondence with the HSCA. See July 25, 1997 Review Board Letter to the Department of Defense. In 1997, the Review Board staff again met with officials from OSD and emphasized the importance of identifying and reviewing records for Secretary of Defense McNamara, who had executed an affidavit for the Warren Commission stating that Oswald was not an informant or intelligence agent for the U.S. military. The Review Board also asked OSD to locate and review files of the OSD General Counsel who had “serve[d] as the liaison with the [Warren] Commission for the Department of

⁸INS also disclosed that it had on microfilm the passenger manifest for the Maasdam, the vessel arriving in New York City on June 13, 1962 with Lee Harvey Oswald and his family. See March 18, 1997 Letter from Review Board to INS.

Defense” (*see* Letter from OSD General Counsel to Earl Warren (apparently dated Jan. 8, 1964)) and OSD’s files relating to its extensive work with the HSCA. *See* July 25, 1997 Review Board Letter.

The OSD was diligent in attempting to address the record-related issues raised by the Review Board. Secretary McNamara’s files were searched and inventories of those records were forwarded to the Review Board. In addition, a detailed inventory of additional records of Secretary McNamara at the National Archives was also provided. From among the McNamara records at the National Archives, the Review Board identified a file relating to Operation Mongoose, which was subsequently opened [verify]. Additional records relating to the Warren Commission were located from among the General Counsel’s files and additional records relating to the HSCA were located among Secretary of Defense Harold Brown’s files.^{xi}

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The Review Board staff created electronic identification aids for these documents under the Office of Secretary of Defense (OSD) “195” number series.

Defense Intelligence Agency. In 1993, DIA forwarded to the National Archives approximately one box of materials for the JFK Collection consisting mostly of correspondence with the HSCA. After meeting with DIA in early 1997, it became apparent that DIA had not reviewed all of its relevant archive holdings and that DIA needed to review its records from the 1963-64 time period. *See* February 6, 1997 Review Board Letter to DIA. The Review Board specifically requested that DIA search for records relating to specific areas, including records on the activities of military attaches in Moscow from 1956 to 1964; records relating to the Secretary McNamara’s affidavit submitted to the Warren Commission representing that Oswald was not an intelligence agent for the military; Operation Mongoose; intelligence on Cuban agents in the United States; and military defectors. *See* May 14, 1997 Review Board Memorandum to DIA, and July 2 and July 11, 1997 Review Board Letters to DIA. After further review of its archive records, DIA did identify additional assassination-related documents, including on those subjects identified by the Review Board.^{xii} These records have been placed in the JFK Collection.

Department of the Army. In response to the JFK Act, the Army conducted in 1993 an “Army-wide canvassing for relevant records.”^{xlii} Another canvassing of records was done in 1997. *See id.* As a result, the Army identified various assassination records, including: (a) material relating to ballistics research performed by the Army in connection with the assassination; (b) 1965 notes of Pierre Finck, the Army pathologist who participated in the Kennedy autopsy; (c) records of the Army Corps of Engineers relating to the design and construction of the Kennedy gravesite; (d) materials relating to the polygraph examination of Jack Ruby from the Defense Polygraph Institute at Fort McClellan, Alabama; (e) records on Cuba from the files of Joseph Califano, in his capacity as Assistant to the Secretary of the Army in the Kennedy administration; and (f) Army intelligence files on various individuals connected with the Kennedy assassination story. In addition, the Army made available microfilm records

of the Pentagon Telecommunications Agency, and certain documents from the 1963-64 period were identified as assassination records. *See id.*; *see also* December 3, 1997 Review Board Letter to the Army.

In late 1997, the Review Board staff requested that the Army identify for review under the JFK Act certain additional, discrete record groups. We asked the Army to locate the 1963-64 files for top Army officials, including the Secretary of the Army, the Chief of Staff for the Army, the Assistant Chief of Staff for Intelligence, the Assistant Chief of Staff for Operations and Plans, and top officials of the U.S. Army Intelligence and Security Command. Additionally, the Review Board asked the Army to locate any discrete records on various subjects, including intelligence relating to Cuba and the Soviet Union for the 1963-64 period; Operation Mongoose; Oswald's defection to the Soviet Union; domestic surveillance by the Army of any groups with which Oswald had been associated; and files relating to work that the Army may have undertaken in connection with the HSCA's investigation. *See* December 3, 1997 Review Board Letter. The Army, however, did not in any manner follow up in locating the record groups we had requested. *See* April 24, 1998 Review Board Letter to the Army.

The Review Board staff also worked separately with certain components of the Army -- the Army's Central Security Facility ("CSF"), which maintains Army intelligence records, and the Armed Forces Institute of Pathology ("AFIP"). The CSF oversees the Investigative Records Repository ("IRR"), which is the custodian for various Army intelligence investigative files. IRR has released several intelligence files under the JFK Act, including files on Gerald P. Hemming and anti-Castro activists.^{xliii} IRR was highly cooperative in determining whether it had any files on numerous other individuals associated with events of the assassination and, in many cases, confirmed that it had no files for the names submitted.^{xliv} The Review Board requested CSF to determine whether it had any office or work files for certain Army intelligence officials located in the Dallas area in 1963-64, and CSF stated that it had no such files.^{xlv} In addition, the Review Board requested that CSF provide any additional information or documentation with respect to an Army intelligence dossier maintained on Oswald but destroyed in 1973 as part of a program to purge domestic surveillance files.^{xlvi} No new information was obtained beyond that developed previously by the HSCA.^{xlvii}

The Review Board also worked directly with AFIP. As with the National Naval Medical Center in Bethesda, Maryland, the Review Board sought to identify any records from AFIP that might relate to the autopsy of President Kennedy (Lt. Col. Pierre Finck, one of the autopsy doctors, was Chief of the Wound Ballistics Branch of AFIP at the time). AFIP located some materials of Dr. Finck, including his 1965 report regarding the autopsy and his 1969 memorandum regarding testimony he gave at the Clay Shaw trial.^{xlviii} The Review Board asked AFIP to check for any 1963-64 files of top AFIP officials, but none were located.^{xlix} AFIP did locate an oral history interview with Dr. Robert F. Karnei, Jr., in which he briefly discusses his role at the JFK autopsy.

Department of the Navy. Files of the Department of the Navy were considered essential in view of Oswald's tenure with the Marines, which is administratively a part of Navy.

Under the JFK Act, the Navy had identified and placed into the JFK Collection at the National Archives several core files relating to Lee Harvey Oswald -- (1) the personnel and medical Marine Corps files for Oswald and (2) extensive Office of Naval Intelligence ("ONI") records on Oswald. The Marines Corps and ONI files on Oswald made public are an important contribution to the historical record. In addition, the Navy located miscellaneous documents relating to the Warren Commission and HSCA from files of the Administrative Office for the Secretary of the Navy.

Notwithstanding the Navy's identification of these core materials, the Review Board requested the Navy to inspect additional record categories to ensure that all relevant materials had been identified. For example, the Review Board asked the Navy to inspect the files of the highest officials of the Marine Corps, Office of Naval Intelligence, and the Navy for the relevant time periods encompassing Oswald's defection to the Soviet Union through the aftermath of the assassination. See January 17, 1997 Review Board Letter to the Navy. The Navy appeared to undertake an extensive review of files, including a review of files from the Secretary of the Navy's Administrative Office, the Chief of Naval Operations, and the Marine Corps.¹ It was not clear, however, whether the Navy had identified all original working files for the Secretary of the Navy and the Commandant of the Marine Corps for the 1959-64 period. With limited time and resources, however, the Review Board was unable to pursue this issue further. The Navy did confirm that it did not locate the files for the Chief of Naval Intelligence.^{li}

In view of the fact that there were ONI records on Oswald (now in the JFK Collection), the Review Board thought it necessary to pursue with ONI separately the matter of ONI records, including 1959-64 files for the Director of ONI. Accordingly, we requested that ONI submit a separate certification of its compliance with the JFK Act.^{lii} ONI's Final Declaration of Compliance was submitted shortly thereafter.^{liii} ONI had not identified any additional assassination-related records and, furthermore, had not been able to account for the files of the head of ONI from 1959 to 1964. ONI also acknowledged that there remained additional ONI records that were not reviewed, but that these would be reviewed under the President's Executive Order 12958 requiring declassification of Government records.^{liv} The Review Board was disappointed that Navy and ONI could not locate or provide any accounting for the ONI Director's files from 1959-64.

National Naval Medical Center at Bethesda. The Review Board separately pursued with the National Naval Medical Center at Bethesda, Maryland ("NNMC") records relating to the autopsy of President Kennedy. The NNMC was highly cooperative and did extensive searches, but it located no records relating to the autopsy with one exception -- an unsigned original of the JFK autopsy report was located in a safe at the NNMC's Anatomic Pathology Division. The NNMC had also located miscellaneous FOIA requests relating to autopsy records.^{lv} The Review Board thereafter asked the NNMC to re-check whether it had any 1963-64 files for the top officials of the NNMC, including Commanders Humes and Boswell, the Naval pathologists who participated in the autopsy.^{lvi} The NNMC re-certified that it had no such files.^{lvii}

Department of the Air Force. After passage of the JFK Act, the Air Force located one record -- a flight logbook located at Andrews Air Force Base and recording events at the base on the day of the assassination. No other records were identified.^{lviii} The Review Board thereafter raised with the Air Force the issue of whether there might not be other records relating to the assassination in its custody. More specifically, the Review Board asked the Air Force to: identify and review the 1963-64 files for the highest officials in the Air Force, including the Secretary of the Air Force and the Chief of Staff for the Air Force; more thoroughly review the files of the Office of Special Investigations for any material relating to Oswald; and determine whether there were any records relating to Air Force 1 on the day of the assassination, including specifically searching for any audiotapes of transmissions to or from Air Force 1 on the day of the assassination.^{lix}

The Air Force went back and searched its records, but no additional records were forwarded to the JFK Collection.^{lx} The Review Board requested that a further accounting be made of its records, including records for the Air Force's Office of Presidential Pilot and Historical Research Agency at Maxwell Air Force Base in Alabama.^{lxi} The Air Force, so far, has not followed-up on the Review Board's requests.^{lxii}

Joint Staff. The Review Board pursued records of the Joint Chiefs of Staff, including records relating to U.S. policies on Cuba and Vietnam. While the Joint Staff identified only a handful of documents directly relating to the assassination, the Joint Staff identified for release under the JFK Act numerous records relating to U.S. policy on Cuba and, to a lesser extent, Vietnam. The Joint Staff was extremely cooperative in making available to the Review Board its original records. For example, the Joint Staff permitted the Review Board to inspect extensive original files of the Joint Chiefs of Staff from the early 1960's, including files of Joint Chiefs Chairmen Lyman L. Lemnitzer, Maxwell Taylor, and Earle G. Wheeler.

After review of these records, the Joint Staff designated for public release records on Vietnam and Cuba, including records from 1962 and 1963 pertaining to military contingency planning on Cuba. In addition, in response to a Review Board request, the Joint Staff made available a classified, three-volume Joint Chiefs of Staff history on the Vietnam War from 1960-68. The Joint Staff has agreed to declassify this history [Verify].

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personnel of the Information Management Division of the Joint Staff Secretariat spent approximately 210 man-hours searching for records related to both Cuba and Vietnam policy in Record Group (RG) 218 at the National Archives. Among forty different Federal Records Center boxes and 8 Hollinger Archive boxes of RG 218 materials, staff members of the Information Management Division flagged selected records from the time period 1961-1964 from the files of Joint Chiefs of Staff Chairmen Lyman Lemnitzer, Maxwell Taylor and Earle Wheeler, and selected records from 1961-1964 from the Central Files of the Joint Staff, for examination and consideration by the Review Board Staff.

insert: Personnel of the Information Management Division of the Joint Staff Secretariat spent approximately 210 man-hours searching for records related to both Cuba and Vietnam policy in Record Group 218 at the National Archives. As in the case of the Cuba records, Vietnam records were flagged from within the 1961-1964 records of JCS Chairmen Lyman Lemnitzer, Maxwell Taylor and Earle Wheeler, and the Central Files of the Joint Staff for the same time period. Of the 146 flagged records that the Review Board staff agreed pertained to either Cuba or Vietnam, about one third were related to U.S. policy or activities in Vietnam. Most of the Vietnam records originated in 1963 or 1964. A small number of records were dated 1961.

In the course of identifying relevant records, the Review Board learned that minutes (and/or transcripts) of meetings of the Joint Chiefs of Staff from 1947 to 1978 had been destroyed. Since these encompassed meetings in 1963 and 1964 which might have been relevant to the assassination, the Review Board requested an accounting of this destruction.^{lxiii} The Joint Staff has explained that, in 1974, the Secretary for the Joint Chiefs of Staff ordered these materials to be destroyed.^{lxiv} [verify].

White House Communications Agency. The Review Board sought to determine whether the White House Communications Agency (“WHCA”) had any archived records from the 1963-64 period relating to the assassination. As a result of the Review Board’s approach to WHCA^{lxv}), WHCA located and placed into the JFK Collection an historical file that contained statements of WHCA personnel regarding events on the day of the assassination and, in addition, a WHCA memorandum providing a “list of telephone calls recorded by the White House switchboard on 22 November 1963.” See April 1, 1997 WHCA Letter to Review Board.

The Review Board further requested WHCA, however, to undertake a broad search for any records reflecting White House communications regarding the assassination, including any communications to or from Air Force 1 on the day of the assassination. See March 19, 1997 Review Board Letter to WHCA. WHCA reported that it had located nothing else, and we then requested that WHCA certify, under penalty of perjury, that it had no other records from the 1963-64 period that might relate to the assassination. See April 21, 1997 Review Board Letter to WHCA. WHCA then certified under oath that it had no records from the 1963-64 time period nor any records relating to their disposition. See WHCA Final Declaration of Compliance (dated April 22, 1998). While accepting WHCA’s representations, the Review Board was disappointed that WHCA could neither locate nor account for any of its records from 1963-64. See June 2, 1998 Review Board Letter to WHCA.⁹

U.S. Postal Service. The Postal Service located its original file on the Kennedy assassination investigation composed of Postal Service investigative reports regarding the

⁹Certain WHCA records may reside with a Presidential Library.

assassination. The file is in the JFK Collection, and it had been located among the archived files for the Chief Postal Inspector. The Review Board suggested some additional search avenues (*see* March 18, 1997 Review Board Letter to Postal Service), and the Postal service was diligent in following those suggestions, but no other records were uncovered. *See* Postal Service Final Declaration of Compliance (dated July 7, 1997).

Social Security Administration. In early 1997, Review Board staff met with officials of the Social Security Administration (“SSA”) to discuss what records SSA might have that would be relevant to the assassination. The Review Board requested that SSA assemble all earnings-related records that it might have for Lee Harvey Oswald and Jack Ruby, certain quarterly reports filed by Oswald’s employers (to verify Oswald’s employment history and income), and the original file opened for Marina Oswald’s claim for survivor benefits following Lee Harvey Oswald’s death. *See* Jan. 22, 1997 Review Board Letter to SSA.

The SSA was extremely diligent in collecting and assembling these records. Some of these records were considered protected under Section 6103, but the balance were transmitted to the JFK Collection. With respect to the Section 6103 records, we had requested that they be sequestered by SSA pending later determinations regarding their releasability, and SSA has confirmed that this was done. *See* July 14, 1997 Review Board Letter to SSA; SSA Final Declaration of Compliance (dated Nov. 18, 1997).

As with Oswald’s tax returns, the Review Board regrets that Oswald’s earnings information and employment history, as contained in employer reports on file with SSA, have not been released to the public as of the date of this Report.

Drug Enforcement Administration. The Drug Enforcement Administration (“DEA”) was cooperative with the Review Board in making available certain files for review. In May 1998, the Review Board asked DEA to formally process certain records as assassination records under the JFK Act. In addition, the Review Board asked for a formal statement of DEA’s compliance. *See* May 1, 1998 Review Board Letter to DEA. However, DEA has taken no steps to formally designate assassination records, nor has it submitted a compliance report as requested.

Library of Congress. In June 1994, the Library of Congress reported to the Review Board that it had located no assassination-related records within the classified holdings in its Manuscript Division. *See* June 16, 1994 Library of Congress Letter to Review Board. In 1996, the Review Board asked the Library of Congress, including the Congressional Research Service, to locate any records in its custody that may relate to the assassination. *See* August 13, 1996 Review Board Letters to the Library of Congress and the Congressional Research Service. No action was taken on our request, and another formal request was made in October 1997. *See* October 27, 1997 Review Board Letter to the Library of Congress. The Congressional Research Service deferred compliance with the JFK Act pending explicit Congressional authorization. *See* January 20, 1998 CRS Letter to the Review Board.

In the Fall of 1997, the Review Board inventoried the Library's manuscript holdings and identified closed collections that might potentially have records relating to the assassination of President Kennedy. Among the records identified by the Review Board staff were a closed set of Rockefeller Commission materials. Thereafter, the Library of Congress filed a formal statement of compliance and did identify three sets of closed records containing assassination-related materials -- (1) the set of Rockefeller Commission materials closed until March 2,002; (2) papers of Senator Daniel Moynihan from his tenure as Assistant Secretary of Labor in the Kennedy administration; and (3) papers of an aide to Senator Howard Baker, Howard Liebengood, who did work relating to the assassination for the Senate Intelligence Committee. *See* Library of Congress Final Declaration of Compliance (dated Jan. 22, 1998). The Library also identified relevant collections that were open to the public, including papers Earl Warren, David Atlee Phillips, and Elmer Gertz (attorney for Jack Ruby). In addition, the Library had one piece of correspondence from Lee Harvey Oswald written from the Soviet Union. *See id.*

Once the relevant closed materials were identified, the Review Board sought to have them opened. The Review Board obtained Senator Moynihan's agreement to open his papers relating to the assassination, and the Board has been in the process of obtaining Mr. Liebengood's consent. With respect to the Rockefeller Commission papers, the Library of Congress stated that these were duplicates of the Rockefeller Commission files at the Ford Library. *See* Library of Congress Final Declaration. The Ford Library set had been reviewed and processed under the JFK Act for assassination records. Therefore, the Review Board did not accord declassification of the Library of Congress set as an immediate priority. The Board has requested that the CIA review and declassify the Rockefeller Commission papers at the Library.

In the Summer of 1998, the Congressional Research Service ("CRS") identified approximately one box of CRS memoranda relating to the assassination that were prepared by CRS for the HSCA and other entities. These materials are being forwarded to the JFK Collection. *See* CRS Final Declaration of Compliance (dated September __, 1998).

National Archives and Presidential Libraries.

The Review Board worked separately with the National Archives in Washington, D.C., the National Archives in Fort Worth, Texas, the Ford Presidential Library, The JFK Presidential Library, and the LBJ Presidential Library. The compliance status for each of these entities is set forth below.

National Archives, Washington, D.C. The National Archives has legal and physical custody of numerous U.S. Government records that are transferred to it by Federal agencies. Accordingly, the JFK Act required the National Archives to identify any assassination records that may have been in its legal custody at the time the JFK Act was passed.

After the JFK Act was passed, the National Archives identified three major record categories in its custody -- (1) records of the Warren Commission; (2) the Main Department of Justice Criminal Division file on the Kennedy assassination (DOJ File No. 129-11); and (3) the main Secret Service file on the assassination (Secret Service File No. 34, 030). Many of the records within these files were already open to the public when the JFK Act was passed. *See* National Archives Initial Statement of Compliance (dated July 25, 1997). The National Archives also identified administrative records for the United States Archivist and Deputy Archivist relating to the handling of assassination-related materials maintained by the National Archives, including administrative records regarding Warren Commission holdings. *See id.*

In December 1992, the Assistant Archivist issued a search directive to the staff of the National Archives requesting that any other assassination-related records be identified, and some miscellaneous records were thereafter included in the JFK Collection. *See id.* In addition, the National Archives -- through its Center for Legislative Archives -- opened to the public numerous Congressional records relating to the assassination, including most importantly the records of the House Select Committee on Assassinations ("HSCA"). (For a further discussion of Congressional records opened by Congress and the National Archives under the JFK Act, see section on Congressional Records below.)

In April 1998, staffs of the Review Board and the National Archives met to review the status of the National Archives' identification and release of assassination records. The Review Board asked the National Archives to confirm that there were no other closed records relating to the assassination that might be among classified or closed files of the highest officials of the Kennedy and Johnson administrations, including certain Cabinet Secretaries. *See* May 11, 1998 Review Board Letter to the National Archives.

[Status/NARA Final Declaration]

In addition, the Review Board asked the National Archives to coordinate with the Administrative Office of U.S. Courts to identify and secure for the JFK Collection court case files for various FOIA suits involving the public's request to open up CIA, FBI, and other agency files on the Kennedy assassination. *See* April 13, 1998 Review Board Letter to Administrative Office of U.S. Courts. [Status]

National Archives, Southwest Region. The National Archives had its Southwest regional facility undertake searches pursuant to the JFK Act. That facility is a repository for federal agency records in the Dallas, Texas area. Among the records identified under the JFK Act by the Southwest Region were: (1) court files from the federal district court in Dallas, Texas with respect to litigation over the rifle used to assassinate President Kennedy (*United States v. 6.5 Mannlicher-Carcano Rifle* and *Marina Oswald Porter v. United States*); (2) court files for the litigation brought by Clay Shaw against Jim Garrison in federal district court in New Orleans (*Clay Shaw v. Jim Garrison*); (3) files from the U.S Attorney in Dallas relating to the litigation over the Oswald rifle; and (4) records of the criminal proceedings against Jack Ruby, also

obtained from the U.S. Attorney in Dallas. *See* Southwest National Archives Final Declaration of Compliance (dated July 10, 1998).

The Southwest Region also identified within its custody various medical equipment from Trauma Room No. 1 at Dallas Parkland Hospital. This equipment was purchased from Dallas County in 1973 when Parkland Hospital was being remodeled, and the equipment was placed in storage by the National Archives at its Southwest Region facility. *See* National Archives Initial Statement of Compliance. The Review Board saw no need to have this equipment placed in the JFK Collection and deferred to the National Archives' decision to retain it in storage. *See* April 27, 1998 Review Board Letter to National Archives, Southwest Region.¹⁰

In April 1998, Review Board staff met with officials of the Southwest Region at its facility in Fort Worth, Texas. The Review Board sought to ascertain whether the Southwest Region had legal custody of any 1963-64 records for various law enforcement, intelligence, or military agencies with offices in the Dallas region, including Secret Service, ATF, FBI, and the Office of Naval Intelligence. The staff of the Southwest Region confirmed that it had no such relevant records. *See* April 3 and 27, 1998 Review Board Letters to the National Archives, Southwest Region; National Archives, Southwest Region, Final Declaration of Compliance.

¹⁰ In addition to records identified by the Southwest Region of the National Archives, the Southeast Region had identified some papers of Senator Richard Russell relating to his work on the Warren Commission. (The National Archives had been providing courtesy storage for these papers on behalf of the University of Georgia). *See* National Archives Initial Statement of Compliance. The relevant papers were forwarded to the JFK Collection. [Confirm Status].

The Gerald R. Ford Library. The Ford Library had substantial holdings that were relevant under the JFK Act, including files of the President’s Commission on CIA Activities within the United States (“the Rockefeller Commission”) and papers of former Gerald R. Ford relating to his work on the Warren Commission. *See* Ford Library Final Declaration of Compliance (dated August 12, 1998). The Ford Library first identified assassination records from among materials that were already open to researchers, including records from Gerald Ford’s Congressional and Vice-Presidential papers and records of Ford Administration officials.¹¹ As a result of these searches, the Ford Library transmitted approximately six cubic feet of records to the JFK Collection in August 1993. *See id.* The Ford Library also searched its unprocessed or closed “national security collections,” including the Rockefeller Commission files and files of the National Security Advisor and the Presidential Counsel relating to the various intelligence investigations of the mid-1970’s (*i.e.*, the Rockefeller Commission and Church Committee investigations). *See id.* The Ford Library reviewed approximately 240,000 pages from more than 20 different closed or unprocessed collections, and the Library selected approximately 1,400 documents (11,500 pages) for processing under the JFK Act. *See id.* Thereafter, the Ford Library worked with the Review Board in having the relevant agencies release these identified records.

The John F. Kennedy Library. The identification of assassination records within the holdings of the JFK Library presented a challenge to both the Library and the Review Board in view of the extensive material relating to, and originated by, officials within the Kennedy administration. Because of the volume of material, the Board was more concerned with identifying relevant materials that were closed or restricted than with materials publicly available at the Library.

Therefore, the Review Board and Library staffs concentrated on identifying assassination-related records within the Library’s closed holdings. The JFK Library represented that it had reviewed its closed or “unprocessed” holdings to identify assassination records. *See* National Archives (JFK Library) Initial Statement of Compliance (dated July 25, 1997). Among the records reviewed were President Kennedy’s National Security files and Office files. The Library staff had also reviewed material made available to investigative bodies in the 1970’s such as the Church Committee. *See id.* In addition, the Review Board staff, with the Library, reviewed the classified Attorney General file series of Robert F. Kennedy. In addition, the Library reviewed numerous record collections from Kennedy administration officials, as well as numerous oral history interviews of such officials. Many of these were designated as assassination records.

[Describe Generally What the JFK Library Placed into the Collection]

¹¹ Among the Ford papers transmitted to the JFK Collection were excerpts of interviews with President Ford conducted by Trevor Armbrister in connection with the writing of Ford’s memoirs, *A Time to Heal*. *See* Ford Library Final Declaration.

There were several record collections that were of particular interest to the Board. For example, William Manchester had deposited with the Library the underlying research materials for his book, *The Death of a President*. They remained in his legal custody, however. The Review Board, although it was able to inspect the materials, was unable to secure their public release despite appeals to Mr. Manchester to open up these records, which included interviews with many of the principals involved in the events surrounding the assassination. In addition, Mr. Manchester interviewed, for his book, both Robert F. Kennedy and Jacqueline Kennedy. The audio tapes and transcripts were donated to the JFK Library in 1967, but under the condition that they remain sealed until 2067. The Review Board has approached the Kennedy family about the possibility of an earlier release. At the time of the Report, the JFK library and the Review Board were still consulting with the Kennedy family regarding potential early release of these tapes.

Another set of records of interest to the Board were the records of Walter Sheridan, who had worked in the Department of Justice under Robert F. Kennedy and who later did work for NBC investigating the Garrison criminal case brought against Clay Shaw. After the JFK Act was passed, the JFK Library returned certain papers to the Sheridan family. These papers related to Mr. Sheridan's work for NBC, and the papers were later subpoenaed by the Review Board. NBC intervened, asserting an interest in the papers and claiming a reporter's privilege in them that would preclude inspection by the Review Board. At this time, the Review Board and NBC were engaged in settlement procedures to resolve whether these work papers on the Garrison case would be released under the JFK Act.

The Review Board was concerned about the adequacy of the Library's searches for assassination records, as well as issues relating to release of records. Therefore, the Review Board submitted to the JFK Library, in July 1998, a detailed set of questions regarding the Library's record searches and work under the JFK Act. The questions were to be answered by Library officials, under penalty of perjury, in the Library's Final Declaration of Compliance. See July 20, 1998 Review Board Letter to the JFK Library. The Library submitted its Final Declaration shortly thereafter. See JFK Library Final Declaration of Compliance (dated August 18, 1998). The JFK Library certified that "[a]ll records of President Kennedy, Jacqueline Kennedy Onassis, Evelyn Lincoln, and Robert F. Kennedy in the custody of the Library have been reviewed under the JFK Act." *Id.* ¶ 2.a.4. The Library had conceded that the review of Robert F. Kennedy's papers had not been adequate in that additional assassination-related records were belatedly located. The Library further noted that the release of assassination-related records from the RFK files was not timely; over 150 RFK documents had been identified for release and many were still in the process of declassification or review by the RFK Donor Committee.¹²

The JFK Library, at its request, briefed the members of the Review Board in August 1998 with

¹² Since the RFK papers are subject to a deed of gift, their release must be approved by the RFK Donor Committee.

respect to the work of the Library under the JFK Act. At that presentation, the Review Board was given assurances by the Library, in the strongest terms, that it was committed to completing release of all assassination-related records, including the RFK records.¹³

insert where appropriate

The Review Board coordinated the declassification of those records requiring multiple agency review.

¹³In addition, the JFK Library is releasing the RFK and other papers pursuant to the declassification requirements of Executive Order 12958.

The Lyndon B. Johnson Library. The LBJ Library has extensive records that were reviewed pursuant to the JFK Act. The Library holds 505 collections of personal papers, 59 bodies of federal records, and 1,227 processed and deeded oral history interviews. See National Archives (LBJ Library) Initial Statement of Compliance (dated July 25, 1997). Even before the JFK Act was passed in 1992, the Library, beginning in 1980, identified and made available materials that it had relating to the assassination of President Kennedy.¹⁴ In 1993, the LBJ Library transmitted to the JFK Collection material on the assassination from the LBJ White House Central files, White House Confidential files, and the National Security files; a special file on the Kennedy assassination compiled from various Presidential and Vice-Presidential files and relating to William Manchester's book, *The Death of a President*; President Johnson's daily diary records recording his appointments and phone calls made during the period following the assassination; office files of various White House aides, White House telephone office records; personal papers of Under Secretary of State George Ball, Attorney General Ramsey Clark, and John Connally; and numerous oral history interviews. Tapes of President Johnson's conversations relating to the assassination (dating mostly from 1963, 1964, and 1967 [the time of the Garrison investigation and publication of the Manchester book]) were later forwarded to the JFK Collection later. See *id.* & Attachment F.

In the Spring of 1997, The Review Board staff conducted a comprehensive review of LBJ Library National Security Files (NSF), closed oral histories thought to be of possible interest to the assassination, and various manuscripts, archives and office files of key officials. The staff identified more than 300 additional assassination records in the following NSF categories: Head of State Correspondence File; Vice Presidential Security File; President's Speech File; Country Files on Vietnam and Southeast Asia; Vietnam Meeting Notes File; Latin America Country Files on Cuba and Mexico; Country Files on Europe and USSR; Intelligence File; National Intelligence Estimates; National Security Action Memoranda; NSC Notes; Agency File - State; FBI Current Intelligence Analysis, McCone Memoranda and Meetings with the President; National Intelligence Estimates on Cuba; Intelligence Briefings on Vietnam and Cuba; White House President's Appointment Files; White House Famous Names; and Cabinet Papers. The staff also identified additional assassination records in the Library's closed collection of office files and/or papers of McGeorge Bundy, Gordon Chase, C.V. Clifton, James Cross Alain Enthoven, Roger Hilsman, Pierre Salinger, Bromley Smith, and William C. Westmoreland. **[Need to check on Salinger].**

The Review Board handled all referrals required to declassify these records. As they were reviewed under the standards of the JFK Act, nearly all of these records were opened in full. In addition, the Review Board staff reviewed the FBI names index, referred to as the Mildred

¹⁴These materials were identified in a detailed index entitled, "Guide to Materials from the Johnson Library Pertaining to the Assassination of John F. Kennedy." See LBJ Initial Statement of Compliance, at Attachment F. The LBJ Library stated that the records identified on this index were transmitted to the JFK Collection in August 1993. See *id.*

Stegall collection, for possible assassination records. These consisted of the files which FBI Director Hoover made available to President Johnson. Mildred Stegall kept a card catalogue of the names index to which the Review Board had access to conduct its search. The release of these files is being coordinated with the FBI.

General Services Administration. The General Services Administration (“GSA”) did no initial work under the JFK Act. The Review Board approached GSA in 1997 with respect to whether it might have records relating to the assassination. This approach was made because the National Archives, until 1984, was under the auspices of GSA. Therefore, the Review Board wanted to ensure that GSA did not have records relating to the National Archives’ handling of Warren Commission materials or the handling of the JFK autopsy photos and x-rays.

See May 5, 1997 and August 22, 1997 Review Board Letters to GSA. GSA did identify files for the top officials of GSA from the 1960's but these were already at the National Archives and fully available to the public. No closed records relating to the assassination were identified by GSA. See GSA Final Declaration of Compliance (dated Jan. 26, 1998); Febr. 23, 1998 Review Board Letter to GSA.

Congressional Records. In addition to Executive Branch records, the Review Board worked with various Congressional Committees, and the National Archives, to ensure disclosure of various Congressional records relating to the assassination. The two most important record groups in this regard were the records of the two Congressional Committees that conducted independent investigations of President Kennedy’s assassination --- the Church Committee in 1975-76 and the House Select Committee on Assassinations in 1977-78. In addition, the Review Board sought to ascertain whether there were relevant records among certain other Congressional Committees.

The House Select Committee on Assassinations (“the HSCA”). The files of the HSCA embody the collective work of that Committee in investigating the assassinations of President Kennedy and Reverend Martin Luther King. After issuance of the HSCA’s report in 1979, the voluminous files of the HSCA were placed in storage and were to be kept under seal until 2029 (*i.e.*, 50 years from 1979). Because these were Congressional records, they were not subject to disclosure under FOIA. [Verify]. That these records were unavailable to the public was underscored by Oliver Stone’s film, *JFK*. After passage of the JFK Act, the National Archives opened the files to the public, as the related to the JFK assassination, after consultation with the agencies that had equities in the records.

Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (“the Church Committee”). Records of the Church Committee, like the HSCA records, were vitally important. The Review Board made extensive efforts to ensure disclosure of as many of the relevant records as possible. The Church Committee, in 1975-76, investigated a host of issues involving the performance of the intelligence agencies. While many of these issues did not come within the coverage of the JFK Act, the Church Committee did investigate the Kennedy assassination, as well as the issue of foreign assassination of political

leaders.

After passage of the JFK Act, the Senate Select Committee on Intelligence inventoried the original records of the Church Committee and transmitted to the JFK Collection approximately 40 boxes of records. The National Archives, however, surveyed those records and concluded that testimony directly relevant to the Kennedy assassination (and cited in the Kennedy assassination report of the Church Committee) was not included in the set of materials released. *See* April 17, 1995 National Archives Letter to the Senate Select Committee on Intelligence (“SSCI”). For approximately two years, the SSCI did not explain or rectify this crucial gap in the records provided to the National Archives. In 1997, the Review Board wrote to the SSCI and, again, raised the issue of identifying and processing testimony directly relevant to the Church Committee’s investigation of the Kennedy assassination, as well as testimony regarding alleged CIA plots against foreign leaders. *See* Sept. 19, 1997 Review Board Letter to the SSCI. Throughout 1997-98, the SSCI did produce microfilm copies of the missing testimony previously identified by the National Archives and the Review Board. This testimony ultimately was processed and placed into the JFK Collection, including testimony of FBI and CIA officials who worked on the assassination investigation, as well as officials who testified regarding the alleged assassination plots against Fidel Castro.

Nonetheless, the Review Board remained concerned, however, that the *original hardcopy transcripts* for this testimony, and any accompanying materials, had not been located by the SSCI or otherwise accounted for. The Review Board requested access to inspect all of the original Church Committee files -- amounting to 450 boxes. The SSCI made these materials available, they were inspected by the Review Board staff, and additional materials were designated as assassination records. However, the Hart-Schweiker materials, namely the hardcopy of testimony cited in the JFK Assassination Report, were not among the materials. Although microfilm copies of this testimony were made available by the SSCI, neither the Review Board nor the SSCI could account for the originals of a substantial number of transcripts (and perhaps accompanying materials) relating to the Kennedy assassination, and this was and remains an important records issue that should be resolved.

House Select Committee on Intelligence (“the Pike Committee”). In 1975, the Pike Committee looked into various issues regarding the intelligence community. The Pike Committee also looked into certain discrete, limited issues regarding the assassination of President Kennedy. The Pike Committee records have been under the custody of the House Permanent Select Committee on Intelligence (“HPSCI”). HPSCI identified approximately three boxes of assassination-related records of the Pike Committee and has placed them into the JFK Collection. *See* April 20, 1995 Review Board Staff Memorandum (describing generally the Pike Committee materials in the JFK Collection).

House Judiciary’s Subcommittee on Civil & Constitutional Rights, Chaired by Congressman Don Edwards (“the Edwards Subcommittee”). In 1975 and 1976, the Edwards Subcommittee investigated the FBI’s destruction of a note that Lee Harvey Oswald had left with

the Dallas Field Office prior to the assassination of President Kennedy. The Review Board raised with the National Archives (Center for Legislative Archives) the issue of whether they had any original files for this Subcommittee, and the legislative staff could not identify any such files within its Judiciary Committee holdings. We also asked the Clerk's Office for the House of Representatives to assist in locating these records. See Oct. 30, 1997 Review Board Letter to Clerk of the House. Unfortunately, no original records for this Subcommittee have been located, although copies of some of these records can be found in the HSCA Collection.

House Government Operation's Subcommittee on Government Information and Individual Rights, Chaired by Congresswoman Bella Abzug ("the Abzug Subcommittee"). In 1975 and 1976, the Abzug Subcommittee looked into issues relating to access to Warren Commission records and the destruction of FBI records. It was the Review Board's understanding that these records remained closed pursuant to House Rules. In 1996, and again in 1997, the Review Board sought Congressional authorization to have any assassination-related records within the Abzug Subcommittee files reviewed and released under the JFK Act. See Nov. 8, 1996 and Oct. 30, 1997 Review Board Letters to the Clerk of the House of Representatives. After receiving the appropriate Congressional authorization, the Review Board staff inspected the original files of the Abzug Subcommittee and designated various materials for release under the JFK Act, including materials regarding public access to Warren Commission records and regarding destruction of FBI files. See April 7, 1998 Review Board Letter to Center for Legislative Archives.

House Committee on Un-American Activities ("HUAC"). During the 1950's and 1960's, this Committee investigated "un-American" activities of various individuals and groups. In the summer of 1996, the staff of the Center for Legislative Archives (part of the National Archives) did an initial survey of the HUAC files and identified files on Lee Harvey Oswald, Marina Oswald, the Fair Play for Cuba Committee ("FPCC") (with which Oswald was associated), and Mark Lane (a Warren Commission critic). See Aug. 26, 1996 National Archives Memorandum. It was the Review Board's understanding that these records were closed for a 50-year period pursuant to House Rules.

In November 1996, the Review Board requested that Congress make these records available for inspection by the Review Board to confirm whether the records initially identified by the National Archives staff were assassination records within the meaning of the JFK Act and, thus, should be released to the public. See Nov. 8, 1996 Review Board Letter to the Clerk of the House of Representatives. The Review Board received no responses and raised the matter again in 1997. See Oct. 30, 1997 Review Board Letter to Clerk of the House of Representatives. In January 1998, the Clerk's Office sought permission from the Judiciary Committee to open up the HUAC files for Review Board inspection. See Jan. 27, 1998 Letter from the Clerk of the House of Representatives to the House Judiciary Committee. This authorization was denied, and the Review Board appealed directly to House Judiciary Chairmen Henry Hyde to facilitate the release of assassination-related records within the HUAC files. See March 17, 1998 Letter from Chairmen Hyde to the Clerk of the House; July 15, 1998 Review Board Letter to Chairmen

Hyde. The Review Board was then advised that the House Parliamentarian would consider whether the JFK Act superseded the House Rule closing HUAC records for 50 years. The Review Board again argued to the House that the HUAC records were fully subject to the JFK Act, notwithstanding the 50-year closure rule of the House. See Aug. 10, 1998 Review Board Letter to the Clerk of the House of Representatives.

At the time of this Report, Congress had refused to release, or even make available to the Review Board, the HUAC files identified as potentially relevant to the assassination, including the files on Lee and Marina Oswald.

Other Congressional Records. The Review Board also examined whether certain other Congressional records might have materials relating to the assassination. [McClellan, Kefauver, Senate Internal Security Subcommittee].

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- i. 44 U.S.C. § 2107 (2)(a)(3).
 - ii. Many of the descriptions of agency's efforts to comply with the JFK Act were obtained from the initial or final certifications that the agencies submitted to the Review Board. Where appropriate, this chapter cites the certifications.
 - iii. See CIA Initial Statement of Compliance (dated March 19, 1998).
 - iv. See *id.* The extensive set of Russ Holmes working files were not transmitted to the National Archives in 1993. When the Review Board became aware of their existence, it insisted that they be released under the JFK Act. The CIA is presently processing those records for release.
 - v. See July 15, 1998 Letter from the Review Board to the CIA.
 - vi. See July 7, 1998 Review Board Letter to the CIA.
 - vii. See CIA Final Declaration of Compliance (dated September __, 1998).
 - viii. See FBI Final Declaration of Compliance (dated August 20, 1998).
 - ix. See Secret Service Initial Statement of Compliance (dated April 30, 1997).
 - x. See Secret Service Final Declaration of Compliance (dated August __, 1998).
 - xi. See March 28, 1996 and July 31, 1995 Secret Service Letters to the Review Board (attached to the Secret Service's Final Declaration of Compliance).
 - xii. See NSA Final Declaration of Compliance (dated August 18, 1998).

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- xiii. *See* State Department Final Declaration of Compliance (dated March 18, 1998); Review Board Staff Memorandum (dated April 23, 1997).
- xiv. *See* October 31, 1995 OIP Letter [re-check letter]; OIP Final Declaration of Compliance (dated August 6, 1998).
- xv. *See* OIP Initial Statement of Compliance (dated February 20, 1997); March 31, 1997 Review Board Letter to OIP.
- xvi. *See* OIP Final Declaration of Compliance.
- xvii. *See* Criminal Division Initial Statement of Compliance (dated January 29, 1997).
- xviii. *See* Civil Division Final Declaration of Compliance (dated July 29, 1998).
- xix. *See* Civil Division Final Declaration of Compliance.
- xx. *See* Civil Division Final Declaration of Compliance; July 1, 1997 Civil Division Letter; March 6, 1998 Review Board Letter.
- xxi. *See* Civil Rights Division Final Declaration of Compliance (dated July 2, 1997).
- xxii. *See* Main Treasury Final Declaration of Compliance (dated August 12, 1998).
- xxiii. *See* Main Treasury Final declaration of of Compliance.
- xxiv. *See* Dec. 19, 1996 Review Board Letter to Main Treasury.
- xxv. *See id.*
- xxvi. Main Treasury Final Declaration ¶ 10.
- xxvii. *Id.* ¶ 19.
- xxviii. *See* ATF Final Declaration of Compliance (dated Nov. 7, 1997).
- xxix. *See* Nov. 1, 1996 and Febr. 20, 1997 Review Board Letters to ATF.
- xxx. *See* ATF Final Declaration of Compliance; Nov. 4, 1997 Review Board Letter to ATF.
- xxxi. *See* ATF Final Declaration of Compliance.
- xxxii. *See* Nov. 5, 1997 Review Board Letter to IRS.

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- xxxiii. *See* IRS Final Declaration of Compliance (dated September __, 1998).
- xxxiv. *See* Customs Service Final Declaration of Compliance (dated June 30, 1997).
- xxxv. *See* Nov. 5, 1997 and March 12, 1998 Review Board Letters to IRS.
- xxxvi. *See* IRS Final Declaration of Compliance (dated September __, 1998).
- xxxvii. *See* IRS Final Declaration.
- xxxviii. *See* NSC Final Declaration of Compliance (dated April 30, 1998).
- xxxix. *See* INS Final Declaration of Compliance (dated August 26, 1998).
- xl. *See* OSD Final Declaration of Compliance (dated May 21, 1998).
- xli. *See* DIA Final Declaration of Compliance (dated April 10, 1998).
- xlii. *See* Army Initial Statement of Compliance (dated June 18, 1997).
- xliii. *See* IRR Final Declaration of Compliance (dated August 1, 1997).
- xliv. *See id.*; *see also* February 4, 1997 Review Board Letter to CSF.
- xlv. *Id.*
- xlvi. *See* February 4, 1997 Review Board Letter.
- xlvii. *See* IRR Final Declaration; HSCA Report, at 221-24.
- xlviii. *See* AFIP Final Declaration of Compliance (dated June 12, 1997).
- xliv. *See* March 18, 1997 Review Board Letter to AFIP; AFIP Final Declaration.
1. *See* Navy's Final Declaration of Compliance (dated December 3, 1997).
- li. *See id.*
- lii. *See* April 24, 1998 Review Board Letter to ONI.
- liii. *See* ONI Final Declaration of Compliance dated May 18, 1998.
- liv. *See id.*

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- lv. *See* NNMC Final Declaration of Compliance (dated June 27, 1997).
 - lvi. *See* November 10, 1997 Review Board Letter to the NNMC.
 - lvii. *See* December 23, 1997 NNMC Supplemental Declaration of Compliance.
 - lviii. *See* Air Force Initial Statement of Compliance (dated January 14, 1997).
 - lix. *See* February 21, 1997 Review Board Letter to the Air Force.
 - lx. *See* Air Force Final Declaration of Compliance (dated November 21, 1997).
 - lxi. *See* March 9, 1998 Review Board Letter to the Air Force.
 - lxii. *See* August 3, 1998 Review Board Letter to the Air Force.
 - lxiii. *See* January 2, 1997 Review Board Letter to the Joint Staff.
 - lxiv. *See* Joint Staff Final Declaration of Compliance (dated November 13, 1997).
 - lxv. (*see* Febr. 28, 1997 Review Board Letter to WHCA