

September 16, 1996

BY FACSIMILE AND FIRST-CLASS MAIL

Mr. Rafael C. Goyeneche III
Managing Director
Metropolitan Crime Commission of New Orleans, Inc.
Tidewater Place Box 40
1440 Canal Street, Suite 2005
New Orleans, Louisiana 70112-2735

Dear Mr. Goyeneche:

I am writing to confirm what I told Mr. Warren DeBrueys this morning and in previous phone conversations about the ARRB's request to have copies made of what appear to be files maintained by Mr. W. Guy Banister ("the Banister records"). Many of the Banister records relate to his work in the New Orleans Police Department in the 1950's; however, other of these records post-date Mr. Banister's tenure with the New Orleans Police Department.

The Review Board has not determined to what extent, if any, the Banister records are "assassination records" under the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. § 2107 (Supp. V 1994)) (JFK Act). Based on our preliminary assessment in New Orleans, we recognize that many -- perhaps all -- of the Banister records do not, on their face, directly relate to the assassination of President Kennedy or to any investigation of the assassination. Nor, unlike many of the other MCC records we have asked to have copied, does it appear that the Banister records were made available for use by the House Select Committee on Assassinations. However, we also are mindful of well-publicized allegations that Mr. Banister may have associated with Lee Harvey Oswald, of Mr. Banister's connections with others who have figured in investigations of the assassination, and of the interest that researchers have expressed to the Review Board in the contents and disposition of Mr. Banister's files.

Under these circumstances, the ARRB staff concluded that the Banister records deserve more careful review than we could give them at the Records Management and Protection, Inc. warehouse. We also anticipated that members of the Review Board may wish to review some or all the Banister records themselves. Accordingly, we requested copies of the Banister records. Our request for copies does not prejudge the questions whether and to what extent the Banister

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records should be included in the JFK Assassination Records Collection at the National Archives, let alone what restrictions on public access might be appropriate if they were to be included. Mr. DeBrueys has noted that the records from Mr. Banister's work with the New Orleans Police Department relate in large part to "internal affairs" investigations, which implicate serious confidentiality and privacy issues. We fully appreciate these concerns, and will not make any records of this type available to the public, except in a manner consistent with the wishes of the MCC.¹

While copies of the Banister records are in the possession of the ARRB, they will be kept in a secure area under the same safeguards as we afford Federal records that contain classified national-security information. Only the Review Board staff, employees of the National Archives, and members of the Review Board will have access to these copies. To the extent that these copies of the Banister records are not included in the JFK Collection, we will return the copies to the MCC or dispose of them as you may direct.

We greatly appreciate the continuing assistance and cooperation that the MCC has given us in our work. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Philip D. Golrick, Esq.
Chief Analyst/Counsel

¹I have mentioned to Mr. DeBrueys the possibility of including such records in the JFK Assassination Records Collection, with the restriction that they not be made available to the public until some specified future date.