

DRAFT BOILERPLATE LETTER TO AGENCIES ABOUT
THE STATUS OF THEIR REVIEW OF ASSASSINATION RECORDS
TEXT WOULD VARY DEPENDING ON PARTICULAR AGENCY
[JUSTICE DEPARTMENT CIVIL RIGHTS DIVISION]

May __, 1995

Nelson D. Hermilla
Chief, Freedom of Information/Privacy Acts Branch
Civil Rights Division
U.S. Department of Justice
10th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Status of the Civil Rights Division's Identification and
Review of JFK Assassination Records under 44 U.S.C. Sect. 2107

Dear Mr. Hermilla:

I am contacting you on behalf of the Assassination Records Review Board, of which I am the Executive Director. On July 27, 1994, you kindly responded to a previous inquiry from one of the members of the Review Board, Dr. William L. Joyce. A copy of this response is enclosed. We are grateful for this response and for the efforts of the Civil Rights Division in identifying and reviewing records relating to the assassination of President Kennedy.

As you are *no doubt* aware, in 1992 Congress enacted The President John F. Kennedy Assassination Records Collection Act ("the JFK Act") in order to [*assist federal agencies and" deleted*] ensure that all governmental records related to President Kennedy's assassination are collected and sent to the National Archives and Records Administration.¹ The JFK Act also established the Assassination Records Review Board to assist and *monitor compliance with the JFK Act by all government entities*. The five members of the Review Board were appointed by President Clinton, confirmed by the United States Senate, and sworn in on April 11, 1994. Since then, the Review Board has assembled its professional and administrative staff and obtained the appropriate security clearances for personnel who review sensitive information. On May 3, 1995, the Assassination Records Review Board

¹44 U.S.C. Sect. 2107. The JFK Act was amended by the President John F. Kennedy Assassination Records Collection Extension Act of 1994. For ease of reference, copies of both statutes are enclosed. If you have any questions regarding the JFK Act, please do not hesitate to contact me.

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adopted a definition of "Assassination Record" as provided under Section 7(n) of the JFK Act.²

Now that the Review Board has *adopted* its definition, I am writing to inquire into the *present* status of *the Office and Information and Privacy's* past and anticipated efforts to locate and review JFK assassination records. I would very much appreciate your prompt response to the inquiries set out below. I am enclosing two forms for you to complete and return to me at your earliest convenience.

I would appreciate your completing and faxing the "JFK Assassination Records Contact Person" form to me by May __, 1995 and the "Status of Agency Review of JFK Assassination Records" form no later than May __, 1995.

Form 1: JFK Assassination Records Contact Person

Please provide the names, title, relevant responsibilities, and telephone and fax numbers of all persons at *the Civil Rights Division* with whom you would like us to be in contact regarding *the Civil Rights Division's* compliance with the JFK Act. We are particularly interested in your identifying the person responsible for your electronic identification aids.³

Form 2: Status of Review of JFK Assassination Records

Please fill out the enclosed form with reference to the following requests.

1. *Status of search for records. Should we understand your July 27, 1994 response to mean that the Civil Rights Division* has completed its search for JFK assassination records? If so, approximately when was the search completed? If not, when do you currently anticipate completing your search for records? If your search is not complete, are there any particular obstacles to completing the process that you can identify? Has your search extended to records still within the ownership or legal control of *the Civil Rights Division* but outside of

² I am enclosing a draft copy of the definition to assist you in the identification and review of assassination records. The official version of the definition will appear shortly in the *Federal Register*. We anticipate making only such technical changes as may be required to conform to *Federal Register* specifications.

³The identification aids are called "Record Identification Forms" or "RIFs" by the National Archives.

the Civil Rights Division's physical possession (e.g., at Federal Records Centers)?

2. *Total volume of records.* What is your best *estimate* of the total number of records *the Civil Rights Division* has identified as responsive to the JFK Act, *regardless fo where such records may be in the review process (e.g., already sent to the National Archives under the JFK Act; on referral to Third Agencies)?* Please provide your best estimate *of* the actual number of documents, as well as any other helpful descriptive terms that are appropriate (e.g., numbers of archival or banker's boxes, cubic feet).
3. *Anticipated additional searches for records.* Now that you have the Review Board's definition of "Assassination Record," what, if any, additional files or locations do you intend to search for possible additional records? When do you anticipate completing such a search?
4. *Status of record review.* ***Should we understand your July 27, 1994 response to mean that you have*** completed your review process, including the preparation of identification aids as provided by Section 5(d) of the JFK Act? If your review process is not complete, when do you currently anticipate that you will complete the process? What percentage of the review process is complete?
5. *Summary results of records review.* Of those records you have reviewed, approximately what percentage have you "opened in full," postponed (*i.e.*, redacted in whole or in part), or are awaiting return from Third Agencies?
6. *Transfer of records and electronic information to the National Archives.* ***Should we understand your July 27, 1994 response to mean that the Civil Rights Division has*** transferred all of its reviewed records and electronic information (*i.e.*, information identifying records as required under Section 5(d) of the JFK Act) to the National Archives? ***If not***, when do you anticipate completing the transfer of the records and electronic information?
7. *Electronic information.* Are you confronting any difficulties in completing your inputting the electronic identification aids onto the diskettes provided by the National Archives? If so, please describe the difficulties.
8. *Records sent by you to Third Agencies.* What is your best estimate of the number of records that you have referred to Third Agencies (***within the Department of Justice or in other parts of the federal government***) for their review? Of that number, how many have been returned

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after having been reviewed? What Third Agencies continue to hold your records and approximately how many records do they hold?

9. *Records sent to you from Third Agencies.* Approximately how many records have been sent to **the Civil Rights Division** from Third Agencies for your review under the JFK Act? For how many of that number have you completed your review? Have all Third Agency records been reviewed and returned to the Third Agencies? If you have not completed your review of Third Agency documents, when do you anticipate completing it?
10. *Record-tracking procedures.* What types of record-tracking devices do you use to determine the number, location, and status of **the Civil Rights Division's** records under the JFK Act? For example, are all of your records now identified by a number on an electronic database or do you keep flow charts showing the date you referred documents to Third Agencies?
11. *Difficulties in complying with the JFK Act.* Please identify any significant internal difficulties that **the Civil Rights Division** is having in complying with the JFK Act.

I certainly hope that this letter does not create an additional burden for you, but it is very important that the Review Board be able to obtain promptly a preliminary assessment of the current status of all agencies' compliance with the JFK Act.

Thank you very much for your help. Please do not hesitate to contact me at (202) 724-0088, ext. 232, if I can be of any assistance.

Sincerely yours,

David G. Marwell
Executive Director

Enclosures (JFK Act and Extension, Definition, 2 forms, *July 27, 1994 response*)

cc: T. Jeremy Gunn
Philip D. Golrick
File no. 4.17.3

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