

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

May __, 1995

Walter Dellinger
Assistant Attorney General
Office of Legal Counsel
U.S. Department of Justice
10th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Status of the Office of Legal Counsel's Identification and Review
of JFK Assassination Records under 44 U.S.C. Sect. 2107

Dear ?:

I am contacting you on behalf of the Assassination Records Review Board, of which I am the Executive Director. As this is the first communication between the Office of Legal Counsel and the Review Board, I wish to tell you that we are deeply appreciative of your cooperation 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 adopted a definition of "Assassination Record" as provided under Section 7(n) of the JFK Act.²

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.

² I am enclosing a draft copy of the definition to assist you in the identification and

Now that the Review Board has *adopted* its definition, I am writing to inquire into the status of *the Office of Legal Counsel'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 Office of Legal Counsel* with whom you would like us to be in contact regarding *the Office of Legal Counsel'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.* *Has the Office of Legal Counsel* 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 Office of Legal Counsel* but outside of *the Office of Legal Counsel'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 that *the Office of Legal Counsel* has identified as responsive to the JFK Act? 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).

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.

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.* Have you 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.* Has **the Office of Legal Counsel** 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? 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 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 Office of Legal Counsel** 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 Office of Legal Counsel'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 Office of Legal Counsel* 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)

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