

September 18, 1995

BY FACSIMILE AND FIRST-CLASS MAIL

Ms. Melanie Pustay
Attorney/Advisor
Office of Information and Privacy
United States Department of Justice
1310 G Street, N.W.
Washington, D.C. 20530

Re: Status of the DOJ Leadership's Compliance with the JFK
Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Ms. Pustay:

As you are aware, Stephen R. Colgate, Assistant Attorney General for Administration, designated you as the Assassination Record Review Board's contact person for the Department of Justice's leadership¹ by letter dated September 8, 1995. Accordingly, I am writing to you regarding the implementation of the JFK Assassination Records Collection Act, 44 U.S.C. § 2107 ("the JFK Act").

Under the JFK Act, all Government offices -- including those constituting the leadership of DOJ -- are required to: (a) identify all of their records related to the assassination of President Kennedy, (b) review the records for the purpose of declassifying them under the standards specified in the JFK Act, (c) prepare electronic identification aids, and (d) send the records to the National Archives.

The Assassination Records Review Board, a panel appointed by the President and confirmed by the Senate, is responsible for overseeing compliance with the JFK Act. In June of this year, the Review Board promulgated in the *Federal Register* a regulation that defines "assassination record" for purposes

¹Mr. Colgate's letter identified the Department's leadership as "the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, the Office of the Solicitor General, the Offices of Legislative Affairs and of Public Affairs." We assume that, as may be required, you will also be our contact for records of comparable offices within the Department (*e.g.*, the Office of Legal Counsel) and the Office of Information and Privacy's own records.

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of the JFK Act (a copy of this regulation is enclosed). This regulation should help provide guidance to Government offices in their search for assassination records. Members of our professional staff -- who have received all of the appropriate security clearances -- are also available to assist you and your staff in this process.

In July of last year, your office responded to an inquiry from Dr. William L. Joyce, one of the members of the Review Board, as follows:

“The only records which remain in the Office of Information and Privacy relate to the Freedom of Information Act appeals of Harold Weisberg and James Lesar. Records include the following: notes used in preparing the appeals for presentation to the Department Review Committee (DRC); documents that were part of the appeal; and minutes from the DRC meetings showing the final adjudication of the appeals.”

I am writing now to request updated information regarding implementation of the JFK Act. More specifically, I wish to inquire about:

1. *Status of search for records.* Should we understand your July 1994 response to mean that you have completed the 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 Department, but outside of the Department's physical possession (*e.g.*, at Federal Records Centers)?
2. *Total volume of records.* What is your current best *estimate* of the total number of Departmental leadership records identified as responsive to the JFK Act? Please provide your best estimate on 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.* 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.* Have you transferred all 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 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 you 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 Departmental leadership'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 in complying with the JFK Act.

I would appreciate receiving a response to these inquiries by September 30, 1995. 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'

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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