

December 3, 1997

BY FACSIMILE & FIRST-CLASS MAIL

Col. James R. Moore, Jr.
Information Management Officer
Office of the Deputy Chief of Staff
for Personnel
300 Army Pentagon, Room 2D749
Washington, D.C. 20310-0300

Re: Department of the Army Compliance with the JFK Assassination
Records Collection Act, 44 U.S.C. § 2107

Dear Col. Moore:

I would like to thank you and Mr. Patrick F. Smith of your staff for meeting on November 26, 1997 at our offices with Doug Horne, Jim Goslee, and me to review the status of the Department of the Army's compliance with the President John F. Kennedy Assassination Records Collection Act of 1992 ("JFK Act").

Set forth is our understanding of the Army's compliance, to date, with the JFK Act, including some additional follow-up work that should be done.

A. Record Searches Conducted by the Army Under the JFK Act

We reviewed with you the scope of the Army's record searches under the JFK Act. In 1993, the Army conducted an "Army-wide canvassing for relevant records" under the JFK Act. See U.S. Army's Initial Statement of Compliance (dated June 18, 1997) (hereinafter "Compl. Stmt.") ¶ 3. It is our understanding that the search directive was issued by the Army's Information Systems Command out of Arizona. In 1995, the Review Board met with the Department of Defense, including the Army, and provided an identification of various categories of records that should be searched for under the JFK Act. See Compl. Stmt. ¶ 4; Oct. 25, 1995 Letter from T. Jeremy Gunn to Stewart F. Aly (Attachment A hereto). Another "Army-wide canvassing for assassination related

records and files was again conducted" in 1997. Compl. Stmt. ¶ 6.

In addition, the Review Board has been working with the Army's Center for Military History in Washington, D.C. and the Army's Military History Institute at Carlisle Barracks, Pennsylvania to locate any assassination records.

B. Status of the Army's Identification and Release of Potential Assassination Records

As a result of these searches, certain records have been identified as assassination records within the meaning of the JFK Act. We reviewed with you the status for processing these records and placing them in the JFK Assassination records Collection ("JFK Collection") at the National Archives and Records Administration ("NARA"). Some records were identified independently by the Review Board. The assassination records so far identified are:

1. Ballistics Research Material. The U.S. Army Research Laboratory at Aberdeen Proving Grounds, Maryland located material relating to ballistics research performed by the Army in connection with the Kennedy assassination. See Compl. Stmt. ¶ 3; internal Army correspondence (Attachment B hereto). It is our understanding that this ballistics research material has been placed in the JFK Collection.
2. Notes of Army Pathologist Pierre Finck. The Judge Advocate General and the Surgeon General located 1965 notes of Pierre Finck, the Army pathologist who participated in the JFK autopsy. See Compl. Stmt. ¶ 3; May 17, 1993 Memorandum for the Armed Forces Institute of Pathology (Attachment C hereto); May 18, 1993 Memorandum for the Office of Judge Advocate General (Attachment D hereto). It is our understanding that this material has been placed in the JFK Collection.
3. Materials on Design and Construction of President Kennedy's Gravesite. Records of the Army Corps of Engineers were located on the design and construction of the Kennedy gravesite. See Compl. Stmt. ¶ 5; Jan. 7, 1996 Memorandum of Charles R. Schroeder (Attachment E hereto). A copy of this material was sent to the Review Board, and we will forward it to the JFK Collection.
4. Microfilm Records from the Pentagon Telecommunications Center. The Army made available to the Review Board certain microfilm records of the Pentagon Telecommunications Agency. These were reviewed by the Review Board staff, and certain documents from the 1963-64 period were identified by the Review Board as assassination records. See Compl. Stmt. ¶ 5. These have been cleared for release by the Army, and they will be placed in the JFK Collection.

5. Documents Relating to the Polygraph of Jack Ruby. The Department of Defense Polygraph Institute at Fort McClellan located records relating to a polygraph administered to Jack Ruby. See Compl. Stmt. ¶ 5. These documents have not yet been made available to the Review Board, and we request that they be made available for our inspection.
6. Papers of Joseph Califano as Special Assistant to the Secretary of the Army. We are continuing to work with the Army Declassification Agency in declassifying the six boxes of records maintained by Joseph Califano when he was Special Assistant to the Secretary to the Army.
7. IRR Records. In addition, we received your commitment to assist, as needed, in the declassification of files referred by the Army's Investigative Records Repository ("IRR") to other components of the Army. The declassification and release of IRR records is ongoing.

C. Additional Records To Be Accounted For Under The JFK Act

In addition to the assassination records so far identified under the JFK Act, we requested that you locate and review for assassination records certain key record groups of the U.S. Army from the 1963-64 period. It is our intention to have the Army confirm that records of certain high-level U.S. Army officials have been accounted for under the JFK Act. Accordingly, we requested that you identify and locate for review under the JFK Act the 1963-64 records of the following U.S. Army officials:

1. Secretary of the Army
2. Chief of Staff for the Army
3. Assistant Chief of Staff for Intelligence
4. Assistant Chief of Staff for Operations and Plans
5. The top official(s) for the U.S. Army Intelligence and Security Command (or its predecessor in 1963, including the top official separately responsible for the Army Security Agency).

In addition to the files of these officials, we also asked that the Army identify any records pertaining

to the following subjects:

1. 1963-65 records reflecting or relating to intelligence that the Army may have had with respect to Cuba, including of course any intelligence that may have related to the assassination of President Kennedy. This would include any materials relating to the Cuban intelligence service (DGI), Cuban Government communications before and after the assassination, U.S. intelligence sources in Cuba that may have had information pertinent to the assassination, or the Cuban Consulate in Mexico City, which Oswald visited in the Fall of 1963.
2. 1961-65 records relating to covert actions against Cuba, including any records relating to Operation Mongoose or any discussion, plan, operation, or action to assassinate Fidel Castro and any Cuban counter-intelligence relating thereto.
3. 1964 records relating to any assistance or information that the U.S. Army may have provided for the Warren Commission.¹
4. 1959-62 records relating to Oswald's 1959 defection to the Soviet Union, his subsequent residence there, and his return to the United States in 1962. This would include any records for any U.S. Army attache stationed in Moscow.
5. 1963-64 records reflecting or relating to intelligence that the Army may have had with respect to the Soviet Union and that may have related to the assassination of President Kennedy.
6. 1962-64 records reflecting or relating to any possible domestic surveillance by the Army on any of the groups that Oswald was known to have come into contact with after returning to the United States, including any surveillance in Dallas and New Orleans of the Fair Play for Cuba Committee, the U.S. Communist Party, the American Civil Liberties Union, the U.S. Socialist Workers Party, U.S. Socialist Labor Party, Major General Edwin A. Walker, the Russian emigre community in Dallas, or any other individuals who knew the Oswalds in Dallas (including Ruth and Michael Paine and George DeMohrenschildt).

¹ For example, an Army intelligence report on an alleged and unconfirmed meeting between Oswald and Fidel Castro was forwarded to the Warren Commission. The Army also represented that a search of its files revealed no record of Oswald as an Army Intelligence agent or informant. *See* Commission Exhibit 3138 (Attachment F hereto).

7. Army Security Agency ("ASA") records specifically requested by the Review Board. To date, the Army has not identified or located any of the ASA records specifically requested by the Review Board. See July 23, 1997 Letter from J. Gunn to J.R. Moore; Aug. 22, 1997 Letter from J.R. Moore, Jr. to J. Gunn; and Sept. 30, 1997 Letter from J.R. Moore, Jr. to J. Gunn (collectively Attachment G hereto).

8. 1977-79 records relating to any work that the U.S. Army performed in connection with the Kennedy assassination investigation conducted by the House Select Committee on Assassinations ("HSCA"), including specifically any HSCA related records for the then General Counsel of the Army, Jill Wine-Volner.

While the Army's previous search requests were wide-ranging in that they instructed various entities to search for assassination records, we believe that some of these specific record categories may not have been reviewed. Accordingly, we are not requesting that the Army issue another search directive to all of its commands, as it had done in 1993 and 1997; rather, we are asking that the Army conduct a more targeted search to reasonably identify and locate these discrete record groups. At the outset, we request that you identify and make available for our review any SF-135 forms, inventories, or indices for these identifiable record groups.

D. The Final Declaration of Compliance

The Army's Final Declaration of Compliance should reflect the additional work undertaken in searching for assassination records. Please also note that the Final Declaration of Compliance should be executed under penalty of perjury in the form prescribed by 28 U.S.C. § 1746.² We had suggested that the Final Declaration attach as exhibits the search instructions issued by the Army in 1993 and 1997, identify the divisions or commands that located no records, and attach the responses for those divisions or commands that did locate assassination records. In addition, the Final Declaration should confirm that the Army's assassination records have been placed in the JFK Collection. We would like the Army to attempt to complete its work under the JFK Act, including the submission of its Final Declaration of Compliance, by March 2, 1998.

² Thus, you, as the declarant, should state at the end of the Final Declaration that "I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. on this ___ day of _____ 1997."

Col. James R. Moore, Jr.

December 3, 1997

Page 6

We have attempted to summarize, as accurately as possible, the matters that we discussed on November 26. Please let us know whether you consider our letter incomplete or inaccurate in any respect. Thank you again for your cooperation, and please feel free to call Doug Horne or me to discuss these matters or any questions you may have.

Sincerely,

Ronald G. Haron

Associate General Counsel