

November 1, 1996

Mr. Eric A. O'Neal  
Disclosure Specialist  
Bureau of Alcohol, Tobacco and Firearms  
Washington, D.C. 20226

Re: Request for Additional JFK Assassination Records

Dear Mr. O'Neal:

This letter is a follow-up to our conversation last week regarding the status of the search for JFK assassination records within the control of the Bureau of Alcohol, Tobacco & Firearms ("ATF").

I would like to summarize my understanding of where matters currently rest. On May 28, 1996, you, on behalf of ATF, notified the Assassination Records Review Board ("ARRB") of the results of its search for assassination-related records. ATF has identified only one document. *See* May 28, 1996 letters from Eric A. O'Neal to David G. Marwell (attached hereto). That document should be forwarded to the National Archives and Records Administration ("NARA") as required by the JFK Assassination Records Collection Act of 1992 ("the JFK Act"). Please contact Steve Tilley (301-713-6620) of NARA regarding the procedures.

In addition, you forwarded to us, at our request, a 1986 file on John T. Masen and a copy of the 1991 Records Management Program and Records Control Schedule for ATF. We have reviewed the 1986 file on Mr. Masen, which relates to an ATF investigation of Mr. Masen for a firearms violation. Although we do not find any information in it related to the assassination, we would like to retain the copy as we pursue additional leads. The file does note a prior 1977 ATF matter involving Mr. Masen and you have indicated that you are searching for it for our review.

As of today, ATF has not transmitted to NARA any assassination-related records within its control. We appreciate the efforts that you have made to locate assassination-related records within the control of ATF, but we believe that certain categories of records have still not been adequately accounted for.

Accordingly, we once again ask that ATF account for the identity, location or destruction of such records, including but not limited to:

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1. ATF Files made available to the House Select Committee on Assassinations ("HSCA"). Our review of HSCA correspondence with ATF discloses that certain records were made available to the HSCA staff pursuant to the HSCA's investigation of the Kennedy assassination. These records are assassination records and it is ATF's obligation either to transmit them to the NARA or document their destruction. We also ask you to confirm whether or not any ATF records were made available to the Warren Commission.

The records responsive to HSCA requests are identified, in part, in the enclosed copies of correspondence from HSCA files. Of particular interest are the records that the ATF identified regarding Jack Ruby. Please note that on the ATF correspondence from Director Ren D. Davis and Acting Director John S. Krogman there is a file reference number CC-27, 257, which perhaps may lead you to the relevant records.

2. The records of agent Frank Ellsworth in connection with any work he performed in investigating the Kennedy assassination. This would include any papers related to performance of his duties in connection with the Kennedy assassination, including his contacts with the staffs of the Warren Commission and the House Select Committee on Assassinations.

3. ATF records, including those of agent Frank Ellsworth, in connection with its investigation of gun-running operations in Texas in 1963. In particular, this would include records relating to ATF's investigation of John Masen, Mr. Masen's associates (including Donnell Darius Whitter and Lawrence Reginald Miller), and Alpha 66, the anti-Castro group. We noted a reference to an ATF evidence vault in Dallas, which could be checked for 1963 records.

We are mindful that ATF has conducted a search for some of these files and has located only one document. We believe that all search avenues should be pursued. In particular, you advised our office last week that no search of archival files has been made, including the appropriate Federal Record Centers. While we understand that ATF's 1991 Records Control Schedule *authorizes* the destruction of some of the relevant file categories, you have not documented that the pertinent records *in fact* have been destroyed. Given the exceptional nature of the subject matter and the unique requirements of the JFK Act, it is not sufficient to presume that the records have been destroyed pursuant to routine document destruction/retention policies; a more specific accounting must be provided.

ATF should have access to Record Transmittal Forms (SF 135) that describe files sent to storage and that specify the date for destruction; it does not appear that these forms have been checked (while a computer check was run, it is my understanding that it would not identify pre-1970 files).

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We appreciate the cooperation of ATF and your efforts to locate relevant records. Please feel free to call me to discuss any of these matters.

Sincerely yours,

Ronald G. Haron, Esq.  
Senior Attorney

cc: David G. Marwell  
Executive Director