

September 14, 1998

VIA FACSIMILE AND U.S. MAIL

The Honorable George Tenet
Director
Central Intelligence Agency
Washington, D.C. 20505

Re: CIA Compliance With the JFK Assassination Records Collection Act of 1992

Dear Mr. Tenet:

We have received the CIA's Final Declaration of Compliance (dated September 2, 1998) regarding the completion of CIA's work under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"). On behalf of the Board, I am writing to express the Board's disappointment that CIA has been unwilling to have the most senior officials of your agency attest to CIA's compliance with the JFK Act.

The Board had first asked CIA to submit separate certifications from each directorate, as well as the office of the DCI, attesting to their searches for assassination-related records. We stressed these measures to obtain assurance that all components of the CIA had complied with the JFK Act, as well as to assure the American people that the U.S. Government had left no stone unturned in releasing records on the assassination of President Kennedy. The CIA refused to submit separate certifications, insisting it was their practice for one official to speak on behalf of the entire Agency. The Board then requested that CIA's most senior officials, the Executive Director and General Counsel, certify CIA's Final Declaration of Compliance under the JFK Act. CIA refused.

In 1992, CIA Director Gates testified to Congress that he was "determined personally to make public or to expose to disinterested eyes every relevant scrap of paper in CIA's possession" that related to the Kennedy assassination. *See The Assassination Materials Disclosure Act: Hearing on S.J. Res. 282 Before the Senate Comm. on Governmental Affairs*, 102d Cong., 2d Sess. 55 (1992). The Board has merely asked that CIA's highest officials confirm that they are fully confident that this commitment has been fulfilled. While we recognize the substantial documentation provided by CIA to demonstrate its work under the JFK Act, we are disappointed that CIA has been uncooperative in responding to

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this most simple of requests. For me personally and for other members of the Board, this raises significant concerns as to whether CIA's highest officials actually have confidence in the reliability of the results for which the Review Board and CIA have expended considerable effort, energy and resources over the past five years. Such concerns may be noted in our Final Report.

Therefore, the Review Board specifically requests that CIA submit certifications by the individual directorates, as well as the office of the DCI, or, in the alternative, that the Executive Director and the General Counsel certify that CIA has met its obligations under the JFK Act and certify that no records on the assassination of Lee Harvey Oswald have been knowingly withheld. We continue to believe that these more stringent certifications are needed, in part because of CIA's belated discovery of core records relating to the assassination.

Absent certification by the highest levels of CIA, as sought by the Board, the Board considers depositions of senior Agency officials to be absolutely necessary. Accordingly, pursuant to our authority under the JFK Act, the Board requests that CIA make the Deputy Director for Operations immediately available for deposition. The Directorate of Operations has been the primary repository for records directly relating to Lee Harvey Oswald and the assassination. In fact, the Directorate of Operations only recently uncovered additional records relating to a KGB source with information relating to Lee and Marina Oswald. We ask that the Deputy Director of Operations be made available for examination as soon as possible, but no later than September 21. He will be expected to testify on behalf of the Directorate of Operations regarding its record systems, and its searches for assassination records, including searches conducted by the Counter-intelligence staff.

Thank you for your cooperation, and please inform us as soon as possible regarding CIA's compliance with this Review Board request.

Sincerely,

John R. Tunheim
Chair