

February 21, 1997

BY FACSIMILE AND FIRST-CLASS MAIL

Mr. Bruce Miller
U.S. Customs Service
Department of the Treasury
1301 Constitution Ave., N.W.
Room 6136
Washington, D.C.

Re: Customs Service's Compliance with the JFK Assassination Records
Collection Act, 44 U.S.C. § 2107

Dear Mr. Miller:

Laura Denk and I would like to thank you and Gloria Marshall for meeting with us on February 4, 1997, to review with you the initial Statement of Compliance by the Customs Service and related matters under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) ("JFK Act"). This is our current understanding of the status of Customs' compliance with the JFK Act:

1. Assassination Records Identified by Customs. To date, Customs has collected approximately 80 records that have been designated as assassination records. With the exception of records that Customs referred to other agencies (*e.g.*, FBI) and for which it is awaiting a response, we recommend that Customs forward all assassination records to the National Archives & Records Administration ("NARA").
2. Files for Cesar Diosdato. We have asked you to locate any files for Customs agent Cesar Diosdato. In the 1960's, Mr. Diosdato was the Resident Agent in Charge of Customs' Key West office, which reported to the Miami office. We have asked that you determine whether any of Mr. Diosdato's 1963-64 records can be located in storage. We made this request because Mr. Diosdato has been alleged to have been affiliated with the CIA and to have made inquiries regarding Lee Harvey Oswald. You said you would check with the

Miami office and ask them to re-check whether there are any 1963-64 files from Mr. Diosdato.

3. Files for the Dallas Field Office. You advised us that Customs currently operates a resident office in Dallas that reports to the Houston Special Agent in Charge (“SAC”), and you said you would ask the Houston SAC to re-check whether there are any 1963-64 Dallas field office files that may relate to the assassination. We also request that you determine whether any 1963-64 Dallas records are currently housed in the Federal Records Center in Fort Worth.

4. Final Declaration of Compliance. We recommended that Customs’ Final Declaration of Compliance provide a detailed explanation of what steps Customs took to locate assassination records. Having heard you describe Customs’ search efforts, we believe that the public would benefit from a more detailed description of the search. In particular, we suggested that the Final Declaration of Compliance describe with more particularity the offices, and perhaps files, that were searched at Customs Headquarters in Washington, D.C.; that it describe what is encompassed by the TECS computer system at Customs, explaining that assassination records from the 1960s would be unlikely to be located on the system given that it was put into place in the early 1970s; that it recite your efforts in contacting retired Customs officials for leads as to Customs files that might contain assassination records; that it clarify that all records forwarded by the field offices were designated for the JFK Collection; and that it explain why certain materials that Customs made available to the HSCA could not be located. The Final Declaration of Compliance will have to be executed under oath in the form prescribed by 28 U.S.C. § 1746.

Thank you for your continued cooperation.

Sincerely,

Ronald G. Haron
Senior Attorney

cc: Elizabeth B. Anderson, Chief Counsel,
U.S. Customs Service