

May 1, 1998

BY FACSIMILE AND FIRST-CLASS MAIL

Kevin J. Janet, Esq.
Attorney-Advisor
Freedom of Information Section
Drug Enforcement Section
DEA/AMRL
Washington, D.C. 20537

Re: Drug Enforcement Administration Compliance With the JFK Assassination Records
Collection Act, 44 U.S.C. § 2107

Dear Mr. Janet:

I am writing regarding the status of work by the Drug Enforcement Administration ("DEA") to release records under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act") and also to provide you with additional guidance regarding outstanding obligations of DEA. Having considered what additional steps DEA must undertake, we ask that DEA undertake the following to complete its obligations under the JFK Act:

1. Files Reviewed by the HSCA

As we have stated in prior communications, the DEA made available to the House Select Committee on Assassinations ("the HSCA") files on numerous individuals, including organized crime figures. The precise records that DEA made available to the HSCA could not be determined because, as you advised us, DEA routinely destroys its liaison files with Congressional committees pursuant to a two-year schedule. Accordingly, we attempted to piece together what files DEA had made available to the HSCA. We identified certain individuals with respect to whom DEA had information that was made available to the HSCA. *See, e.g.*, March 21, 1978 DEA Letter to HSCA (Attachment A hereto). At the request of the Review Board, DEA ran name searches for these individuals, and in March 1996 we identified certain DEA files for review. *See* March 14, 1996 Letter from D. Marwell to K. Janet. In May 1996, you advised us that certain files had been destroyed. *See* May 9, 1996 Facsimile from K. Janet to K. Tiernan. In August 1996, we conducted a review of remaining DEA

files that had references to individuals previously identified as being of interest to the HSCA.

Our review of these records has disclosed no information that is relevant to the assassination of President Kennedy. However, because these records were apparently reviewed by the HSCA, and because they pertain mostly to organized crime figures alleged to have some connection with the assassination, we request that these records be processed as assassination records under the JFK Act. The *entire files*, which relate to investigative matters rather than individuals, need not be treated as assassination records. Rather, we recommend that you process, as assassination records, only those documents that referenced the individuals in which the HSCA showed an interest. A list of the files we identified, and the relevant HSCA-related references within those files, is enclosed as Attachment B.

Therefore, you will need to transmit the processed assassination records to the JFK Assassination Records Collection ("JFK Collection") at the National Archives and Records Administration ("NARA"). The contact person is Steven D. Tilley, Chief for the JFK Collection (his telephone number is 301-713-6620, ext. 360). Each assassination record must have a computer-generated record identification form; the computer disk to generate these forms must be obtained from Mr. Tilley.

2. Records Requested by the Review Board

In addition to the HSCA related records, the Review Board asked DEA to make available for inspection certain additional, discrete files. We requested that DEA make available any records relating to David Ferrie. *See* Dec. 27, 1995 Letter from D. Marwell to K. Janet. Please confirm whether DEA has any records on Mr. Ferrie. If so, we would like to inspect those records. In addition, we requested any records relating to the allegations of Christian David that President Kennedy was assassinated by three Frenchmen. *See* Nov. 29, 1995 Letter from D. Marwell to K. Janet. If DEA has any such records, we would like to arrange to inspect them. We had also informally requested that you make available for our inspection any records you had regarding Marita Lorenz. You made such records available for our review, and we have concluded that those files contained no materials of relevance to the assassination.

3. Final Declaration of Compliance

We request that DEA submit to the Review Board a statement of compliance demonstrating that it has completed its obligations under the JFK Act. This formal statement of compliance would detail the efforts of the DEA to identify and make available to the public records relating to the assassination of President Kennedy. The Review Board is currently obtaining comparable statements from other relevant federal law enforcement agencies, including the FBI and Secret Service.

Kevin J. Janet, Esq.
May 1, 1998
Page 3

A formal compliance statement by the DEA would assist the Review Board in discharging its responsibility of assuring Congress and the American people that the goals of the JFK Act have been accomplished to the greatest reasonable extent. We want to assure the American people that the United States Government has identified, located, and released all records relating to the assassination of President Kennedy. Indeed, one of the paramount purposes of the JFK Act is to certify to the public that the United States Government is not withholding relevant materials related to the assassination. *See, e.g., Assassination Materials Disclosure Act*, H. R. Rep. No. 625, Part 2, 102d Cong. 2d Sess. 9 (1992) (“The Federal Government’s failure to release official materials has contributed to numerous conspiracy theories and fueled charges of government complicity in the assassination [A] salutary purpose is served in opening these files [relating to the JFK assassination] to allay the suspicion of government cover-up.”).

The Review Board has considered how it, along with the relevant federal agencies, can best demonstrate to the American public that a thorough, good faith, and diligent effort has been made to locate and release all remaining assassination-related records within the control of the United States Government (and that the Government is not hiding any such materials from public disclosure). Accordingly, pursuant to its Congressional mandate under the JFK Act to “create an enforceable, independent, and accountable process for the public disclosure of such records,” 44 U.S.C. § 2107 (2) (a) (3), the Review Board seeks to have DEA provide a complete and specific accounting of its efforts to locate and release assassination-related records, including a full explanation for any destruction of such records.

The Review Board therefore requests that DEA adhere to certain formal procedures, outlined below, for documenting its compliance with the JFK Act. These requirements have been devised by the Review Board pursuant to its powers under Section 7(j)(1)(A), (B), (C), (D), and (F) of the JFK Act. These procedures are as follows:

- a. Designation of Agency Compliance Official (or officials) and statement of intent to comply with the JFK Act. We request that, by May 25, 1998, DEA designate an Agency Compliance Official who ultimately will be responsible for ensuring that DEA has complied with its obligations under the JFK Act, including the identification, location, and organization of assassination records and the transmission of those records for inclusion in the JFK Assassination Records Collection (“JFK Collection”) at the National Archives and Records Administration (“NARA”). Although the Review Board assumes that you will likely serve in this position, we nevertheless await formal confirmation from DEA. If necessary, DEA may designate additional persons with knowledge of the measures that have been undertaken to

locate assassination records.

We also request that, by May 25, 1998, DEA convey its agreement to adhere to the compliance procedures outlined in this letter. To the extent that any compliance procedure described below appears to be unreasonable or to present difficulties that we may not have anticipated, please explain why and make alternate suggestions to us.

- b. Final Declaration of Compliance with the JFK Act. We request that DEA submit to the Review Board, by July 1, 1998, a written statement of its compliance with the JFK Act (hereinafter referred to as DEA's "Final Declaration of Compliance"). This Final Declaration of Compliance is to be DEA's comprehensive and final report to the American public of what it has done to locate and publicly release records relating to the assassination. DEA's Final Declaration of Compliance, as well as those of other agencies, will be included in our final report to Congress. This Final Declaration of Compliance shall include, to the fullest reasonable extent, the following information:

- I. A complete description of all steps that DEA took to identify and locate assassination records including, but not limited to, an identification of the major record collections and files that were consulted in the DEA's search, any DEA file indices consulted, the names and titles of the persons who were responsible for conducting the searches, the physical locations of the records that were searched, the off-site storage facilities (*e.g.*, Federal Records Centers) searched, the specific steps that were taken to locate and retrieve materials in archives, and any other criteria used by the DEA to locate assassination records.
- ii. A description of the steps that the DEA took in direct response to specific requests of the Review Board to locate certain additional records or information relating to the assassination.
- iii. To the extent that any assassination-related records are known to have been destroyed by DEA or any DEA official, a full and specific explanation of the circumstances surrounding the destruction of such records.

- iv. The status of any remaining work that needs to be completed by the DEA in order to comply fully with the JFK Act, including an identification of the categories of records that must be processed and transmitted to NARA, a description of any additional searches for files that must be done, and the projected date(s) for completion of these tasks.

This Final Declaration of Compliance should be executed under oath in the form prescribed by 28 U.S.C. § 1746.¹

- c. Review Board Interview or Deposition With Agency Compliance Official (or Officials). After submission of DEA's Final Declaration of Compliance, and after the Review Board's consideration of the Declaration, the Board may request that the DEA Agency Compliance Official (as well as any persons who helped prepare DEA's initial Statement of Compliance) be made available to the Board for an interview (or deposition) regarding the search for assassination records in the custody of DEA. If necessary, the interview or deposition will be used as an opportunity to resolve any outstanding questions regarding DEA's search for assassination records, including any follow-up tasks to be completed by DEA.

We look forward to receiving your initial response, by May 25, 1998, that designates DEA's Compliance Official and DEA's commitment to adhere to the procedures outlined in this letter. To the extent that you have any questions or suggestions regarding these procedures, please do not hesitate to contact me or Ronald G. Haron at (202) 724-0088.

Thank you for your cooperation with our work.

¹ Thus, the DEA compliance official would state at the conclusion of the Final Declaration of Compliance that "I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. on this ___ day of ____ 1998."

Kevin J. Janet, Esq.

May 1, 1998

Page 6

Sincerely,

T. Jeremy Gunn

Executive Director

LIST OF DEA RECORDS REFERENCING HSCA-RELATED SUBJECTS

<u>DEA File</u>	<u>HSCA-Related Subject</u>
1. MI 71-0047	Joseph Campisi
2. M1 72-0047	Joseph Campisi, Carlos Marcello
3. M1 72-0102	Joseph Campisi, Carlos Marcello, and Santo Trafficante
4. R1 73-0130	James Hoffa, Carlos Marcello, and Santo Trafficante
5. G8 74-0012	Barney Baker, Joseph Merola
6. C2 75-0092	Joseph Campisi
7. M9 74-9999	Carlo Gambino
8. C2 75-0092	Joseph Campisi
9. GI 75-0285	Gerald Patrick Hemming
10. GFJ1 75-8002	Various organized crime figures
11. GFM1 75-8019	Joseph Campisi, Carlos Marcello
12. GFM1 75-9014	Carlos Marcello
13. M3 76-0075	Carlos Marcello
14. GFAS 76-800-1	Gerald Patrick Hemming
15. GFM1 76-4014	Joseph Campisi
16. GFG1 76-9999	Joseph Merola

- | | | |
|-----|--------------|-------------------|
| 17. | 2B 77-0001 | Barney Baker |
| 18. | 2C 77-0010 | Barney Baker |
| 19. | MB 77-X015 | Benny Binion |
| 10. | GF2H 77-9022 | Barney Baker |
| 21. | GFGC 77-9023 | Joseph Merola |
| 22. | G8 78-0019 | Joseph Merola |
| 23. | G1 78-0055 | Santo Trafficante |
| 24. | GFM7 79-4030 | Irwin Weiner |