

February 6, 1997

BY FACSIMILE AND FIRST-CLASS MAIL

Ms. Anne Winner
Division Chief,
Archives & Records Management Division
Defense Intelligence Agency
Bolling Air Force Base
Washington, D.C. 20340-5100

Re: Defense Intelligence Agency Compliance with the JFK Assassination Records
Collection Act, 44 U.S.C. § 2107

Dear Ms. Winner:

Thank you for meeting with Tim Wray and me on January 28, 1997, to review the status of the Defense Intelligence Agency's ("DIA") efforts to locate assassination-related records under the John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) ("JFK Act"). Also present on behalf of DIA were R. Paul Richardson, Chief of the FOIA Staff, and Lillian Ware, Information Service Specialist. We reviewed with you and your staff several matters.

First, allow me to briefly summarize our understanding of the current status of DIA's compliance with the JFK Act. In 1993, DIA forwarded to the National Archives approximately one box of materials to be included in the JFK Collection. These materials consisted mostly of correspondence with the House Select Committee on Assassinations ("HSCA") and relate to information that the HSCA had requested from DIA in 1978. Apart from these records, no other assassination-related records have been identified. In the course of our meeting, it became apparent that DIA has not yet conducted a complete search of its records for assassination-related materials. In particular, DIA has not canvassed its archive holdings (especially the substantial holdings at the Federal Records Center in Suitland, Maryland) to identify records that might relate to the assassination. We discussed the reasons for this omission and sought to agree on the most appropriate way to identify any assassination-related materials that may be among DIA's stored records. Our discussion revealed the following:

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1. Constraints on DIA Resources. You stated that, with present resources, DIA may be unable to complete its review of documents under the JFK Act by September 1997. You indicated that DIA is pressed for resources, given the small staff and the initiation of DIA's historical declassification program under Executive Order 12958, which will require extensive retrieval and review of DIA archive records. We stated that the Review Board staff may be able to assist DIA in the review of its records. In any event, we would like to work with you in meeting, in a timely manner, DIA's obligations under the JFK Act.

2. DIA Must Conduct a Search of its Archive Records to Identify Materials that May Relate to the Assassination. While appreciating the constraints on DIA's resources, it was agreed that DIA must review its archive records, particularly records from 1963-64, to identify any assassination materials. To that end, we recommended that DIA review its archive transmittal forms (SF-135's) in order to identify potentially relevant 1963-64 records at Suitland or elsewhere. To streamline the review process, we agreed that DIA would attempt to collect, and make available to the Review Board, all of the SF-135 forms for its 1963-64 records. The Review Board staff could then assist in the identification of any potentially relevant records that should be retrieved from storage and inspected. Please let us know when the transmittal forms for the 1963-64 records are available for inspection. To assist us in our review, please provide us with a DIA organizational chart covering the period 1963-64.

3. Request for Clearance to Assist in the Review of DIA Records. You asked that we submit to you the names and clearances of those individuals whom we anticipate will be involved in any program to review DIA records, particularly records recalled from the Federal Records Center at Suitland. The individuals are: Timothy Wray (Top Secret, SCI clearance), Christopher Barger (Top Secret, SCI clearance), Joseph Masih (Top Secret clearance), and Ronald Haron (Top Secret clearance). The clearances for Mr. Wray and myself were previously passed to your agency, and our Security Officer will pass to DIA the clearances for Messrs. Masih and Barger.

4. Request to Meet with Deane Allen, the DIA Historian. In connection with the Review Board's efforts to assist DIA in reviewing the archive transmittals and other records of DIA, we will arrange to meet with DIA's Historian, Mr. Dean Allen. Mr. Allen may be able to provide us with additional background about DIA's 1963 organization and thereby assist us in identifying record categories that may have information relating to the assassination.

5. Other Records Archived by DIA Outside the Normal Procedures for Storing Records at

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Suitland. You did not know, but would determine, whether DIA has custody or control of any 1963-64 records relating to, or designated as, "Special Access" or "Black Operation" records, or other highly sensitive 1963-64 records that are archived outside the normal procedures for storing records at the Federal Records Center in Suitland. We would also ask you to determine whether any such DIA records are maintained or archived by any other agency. Please inform the Review Board whether there are any such records (particularly records that contain 1963-64 intelligence or other information relating to Cuba, the Soviet Union, or Vietnam, including intelligence that may relate to any DIA or Government efforts, at the time, to ascertain further information about Oswald or his associations or about potential complicity of any other persons in the assassination).

6. DIA's Final Declaration of Compliance. DIA's Final Declaration of Compliance will, of course, have to take account of the additional work that needs to be done by DIA in searching its records for assassination-related materials. As we previously advised DIA, the Final Declaration of Compliance will be under oath. *See* 28 U.S.C. § 1746.

Thank you for your cooperation with our work.

Sincerely,

Ronald G. Haron
Senior Attorney

cc: William Allard, General Counsel, DIA
Lt. Col. Michael McElligott, Office of General Counsel, DIA
Stewart F. Aly, Associate Deputy General Counsel,
Department of Defense
Deane J. Allen, DIA Historian