

April 21, 1997

BY FACSIMILE & FIRST-CLASS MAIL

Ms. Margaret P. Grafeld
Acting Director
Office of Freedom of Information, Privacy,
and Classification Review
United States Department of State
2101 C Street, N.W.
Washington, D.C. 20520

Re: United States Department of State Compliance with the
JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Ms. Grafeld:

I would like to thank you, Nina Noring, and John W. Kropf for meeting with Michelle Combs and me on March 12, 1997, to review several issues relating to efforts of the Department of State to comply with the President John F. Kennedy Assassination Records Collection Act of 1992 ("JFK Act"). We would like to again acknowledge the work and effort that you and Dr. Nina Noring have made in connection with the State Department's record searches and in preparing the initial Compliance Statement. Set forth is our understanding of the current status of State Department compliance with the JFK Act.

1. The Methodology and Results of the Department of State's Record Searches. At our meeting, we reviewed with you the methodology and results of the State Department's searches for assassination-related records. As explained in further detail in the State Department Compliance's Statement, the searches proceeded on two major fronts-- (1) the Assistant Secretary of State for Administration instructed a number of divisions or bureaus within the Department to search for assassination-related records within their custody and (2) your office searched the Central Foreign Policy Records of the Department, including records in storage (certain retired records were referred to as "lot files").

As a result of these searches, the State Department has located, and has included in the JFK Collection, various record groups that relate to Lee Harvey Oswald and to President Kennedy's assassination. The Department's Compliance Statement notes that three lot files

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comprising “the Department’s core holdings on the Kennedy assassination” (Compl. Stmt. at 3) have been transferred to the National Archives and Records Administration (“NARA”) for inclusion in the JFK Collection. These three lot files are from the Office of Security & Consular Affairs (Lot No. 69 D 186) and from the Office of then Legal Advisor Abram Chayes (Lot Nos. 85 D 275 and 79 D 248).¹ Other distinct record categories found within the JFK Collection include documents from certain Central Foreign Policy files, including Central Policy File No. 15-1 US/Kennedy, which contains cables from U.S. embassies abroad regarding foreign reaction to, or implications of, President Kennedy’s assassination.² There were also documents identifiable as coming from the following record groups: an Office of Security file (File No. 39-141-122); Llewellyn E. Thompson records (Lot No. 67 D 2); Intelligence & Research Bureau records (Lot No. 90 D 329); Soviet file records (Lot No. 90 D 481); Secretary Rusk records (Lot No. 72 D 92); records of the Office of Overseas Citizen Services; miscellaneous Europe file records; other records from the Legal Advisor’s office (Lot No. 71 D 198 L/ARA); and files of U. Alexis Johnson.

Notwithstanding the scope of records that the State Department has included in the JFK Collection, we wish to raise with you the issue of the State Department’s records searches in a few distinct areas. The issues we raise are not intended to minimize the extensive work that has already been accomplished.

¹ After surveying the State Department records in the JFK Collection and conferring with NARA staff, we were unable to locate a Lot No. 79 D 248 within the JFK Collection. Please re-verify whether this Lot File was transferred to NARA.

² It appeared that there were also documents from other various Central Foreign Policy files, such as POL 30-2 Cuba, POL 15 Cuba, DEF 15 Cuba-USSR, POL 6-1 US/Oswald, and POL 2-1 Mexico.

2. Clarification Regarding Certain Central Foreign Policy Files. In describing the Central Foreign Policy Files that were searched for assassination records, the State Department's Compliance Statement referenced some apparently "Oswald-specific files" (our characterization).³ I had noted that these files were not identifiable among the State Department records in the JFK Collection. Dr. Noring advised us that the Compliance Statement may have been imprecise in characterizing these references (*see* footnote 3) as distinct files. To avoid any ambiguity on this point, please clarify in the Final Declaration of Compliance whether or not these designations refer to actual files that relate to either the assassination or to Oswald. If there are such files, they need to be reviewed and presumably included in the JFK Collection.

3. Additional Offices Within the Department of State that Should Be Instructed to Locate Assassination Records. In reviewing the State Department's initial Statement of Compliance, it appears that certain offices were not specifically instructed to search for assassination records.

First and foremost, it is not clear whether the offices for the Secretary of State or Deputy Secretary of State were instructed to search for assassination records within their purview or whether they in fact did such a search.⁴ While we would not expect these offices to have any active files relating to the assassination, the Review Board seeks further assurance that these offices have neither inherited nor maintained in secured storage, nor otherwise have control over, any papers relating to the assassination that may have emanated from former Secretary

³ For instance, the Compliance Statement noted that certain "files from the paper central file system" were searched, including "PS 7-6 US-USSR/Oswald, Lee Harvey, 1963-1973 (Passport related records)," "V -- Oswald, Harvey Lee, 1963-1973 (Visa related records)," "POL 6-1 Oswald, Lee Harvey," and "PS 7-6 USSR/Oswald."

⁴ We note that the State Department's Compliance Statement identifies the Department's Executive Secretary as one of the offices tasked; we were not certain, however, whether the Executive Secretary was responsible for searching the records of the Secretary of State and Deputy Secretary of State. *See* Compl. Stmt. at 1-2. We also recognize that manifests for Executive Secretariat records, which were described in the Compliance Statement as containing "records of the Secretary of State and Principals of the Department," were also searched. *Id.* at 3. It was not clear, however, whether the Executive Secretariat is the custodian for *all* records of the Secretary of State and other principals. These matters must be clarified for the Final Declaration of Compliance.

of State Dean Rusk, Under Secretary George W. Ball, or Deputy Undersecretary of State for Political Affairs U. Alexis Johnson. Accordingly, please determine whether or not these offices have any papers relating to the assassination of President Kennedy, including any papers that may be in historical files, in storage, or located among any secured holdings.

Second, the office for the Assistant Secretary for Congressional Relations was not asked to search for assassination records. When we raised this with you at our meeting, you noted that any stored files from that office would be within the Central Foreign Policy Files and that the Assistant Secretary for Congressional Relations would not have any stored files. Nonetheless, we believe it would be prudent to check with this Office to determine whether it has maintained any files, including work files, relating to State Department communications or work with certain bodies that have investigated the assassination of President Kennedy, namely the Warren Commission, the House Select Committee on Assassinations (the "HSCA"), or the Senate Committee to Study Governmental Operations With Respect to Intelligence Activities ("the Church Committee"). We note, in particular, that Douglas J. Bennet, Jr., Assistant Secretary for Congressional Relations in 1978, was the State Department's liaison to the HSCA in connection with responding to the HSCA's document requests. *See, e.g.*, the July 27, 1978 and Sept. 20, 1978 Letters from Mr. Bennet to the HSCA (attachments A and B hereto). Accordingly, we request that you locate any files that Mr. Bennet may have maintained regarding his liaison work with the HSCA.

4. Stored Files for Certain High Level State Department Officials. It is important that the retired files for several key State Department officials be located and reviewed for records relating to the assassination. We understand that this has been done to some extent through a review of "manifests" for certain retired records (Compl. Stmt. At 3-4),⁵ but it was not apparent whether a complete accounting and review has been done of all the separately identifiable files for the relevant high-level officials. In particular, we would like the Department's assurance in the Final Declaration of Compliance that it has searched for, and reviewed for assassination-related records, the relevant files for the following officials (and

⁵ We note that the State Department has searched: (a) a file entitled "PER Rusk, Dean" (*see* Compl. Stmt. at 3); (b) "manifests of records retired from the Executive Secretariat" and which "contain the records of the Secretary of State and Principals of the Department" (*id.*); (c) records of foreign service posts, including Moscow and Mexico City (*id.* at 4); and (d) files from the Legal Advisor's office (*id.* At 3). Our review of State Department records in the JFK Collection also disclosed assassination records from the files of U. Alexis Johnson.

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time periods).⁶

⁶ Based on our meeting, it is our understanding that your Office may maintain or have access to papers left by certain high-level State Department officials upon their departure from the Department or upon changing positions at the Department. It was not readily apparent what indices or finding aids were available, or were reviewed, in order to locate assassination materials that may have been among such records. Accordingly, the Review Board would like to inspect the available finding aids or indices for the stored records of the high-level State Department officials who are identified in this letter.

Secretary of State, Dean Rusk (1963-64)⁷

Under Secretary of State, George W. Ball (1963-64)

Deputy Undersecretary of State for Political Affairs,
U. Alexis Johnson (1963-64)⁸

U.S. Ambassador to the Soviet Union, Lewellyn E. Thompson (1959-62)⁹

U.S. Ambassador to the Soviet Union, Foy D. Kohler (1963-64)

U.S. Ambassador to Mexico, Thomas Mann (1963-64)¹⁰

U.S. Ambassador to Nigeria, William Attwood (1963-64)¹¹

Thomas L. Hughes, Director, Intelligence & Research Bureau
(1963-64)

⁷ Secretary Rusk testified before the Warren Commission regarding potential foreign complicity in the assassination. *See* Vol. 5 Warren Comm'n Hearings, at 363-71. It would be highly desirable to locate any written materials that Secretary Rusk relied upon for his testimony or that he otherwise had in his possession relating to the assassination.

⁸ We recognize that there are Johnson files relating to the assassination currently in the JFK Collection.

⁹ Mr. Thompson subsequently became Ambassador at Large.

¹⁰ After the assassination, Ambassador Mann was appointed by President Johnson as Assistant Secretary for Inter-American Affairs. Therefore, please account for any files that Mr. Mann may have maintained as Assistant Secretary to determine whether they contain any records relating to the assassination.

¹¹ We have included Ambassador Attwood because he was requested by President Kennedy in 1963 to serve as an informal emissary to Cuban officials and, in particular, was in communication with Carlos Lechuga, Cuban Ambassador to the U.N.

Secretary of State, William P. Rogers (1969)¹²

Assistant Secretary of State for Inter-American Affairs Edward Martin, Robert A. Hurwitch, and Sterling Cottrell, State Department officials who we understand participated in the Special Group (Augmented) or the Interdepartmental Coordinating Committee on Cuban Affairs

Consular Official, Richard K. Snyder, U.S. Embassy, Moscow

Consular Official, John A. McVickar, U.S. Embassy, Moscow

Political Officer, Charles W. Thomas, U.S. Embassy, Mexico City

Political Officer, Clare Boonstra, U.S. Embassy, Mexico City

Legal Attache, Nathan Ferris, U.S. Embassy, Mexico City¹³

¹² We have included Secretary Rogers because in July 1969 he received a report from Charles W. Thomas regarding Lee Harvey Oswald's activities in Mexico City shortly before the assassination. See Sept. 20, 1978 Letter from Douglas J. Bennet, Jr., to the HSCA, enclosing a July 25, 1969 letter from Mr. Thomas to Secretary Rogers (attachment B hereto). We would therefore request that Secretary Rogers' 1969 records be searched for the limited purpose of determining if they contain any records relating to the matters that were brought to his attention by Mr. Thomas.

¹³ Messrs. Snyder and McVickar worked in the U.S. Embassy in Moscow and had principal contact with Lee Harvey Oswald while he was in the Soviet Union. See Nov. 27, 1963 Statements of Messrs. Snyder and McVickar forwarded to State Department Legal Advisor (attachments C and D hereto). Messrs. Thomas and Ferris worked in the U.S. Embassy in Mexico and had reported information regarding Oswald's activities while he was in Mexico City (see attachment B hereto). Mr. Thomas reported to Clare Boonstra, who was a political officer at the U.S. Embassy in Mexico City. See HSCA Document No. 136 (attachment E hereto). We seek to have the files for these officials inspected for the relevant time periods to the extent that they may have maintained separately identifiable files not included within the Moscow and Mexico City Post Files previously made available to the Review Board.

5. State Department Files Reviewed in Connection with the Preparation of the *Foreign Relations of the United States* Series. We recognize that many State Department files have been forwarded to NARA pursuant to a "systematic declassification review" (Compl. Stmt. at 6), and that many such files were used as sources for the Department's *Foreign Relations of the United States* ("*FRUS*") series. We would like to review with you the status of some of the unpublished State Department sources for the *FRUS* volumes on National Security Policy and on the Cuban Missile Crisis and Aftermath (volumes VIII and XI, respectively). In particular, we would like to review certain of these materials for information related to President Kennedy's assassination. It is not our intention to have the Department re-review publicly available files that are now in the legal and physical custody of NARA, including the files of the State Department officials listed above in paragraph no. 4. Rather, we wish to identify certain files that were collected, reviewed, or relied upon for preparing the *FRUS* volumes, but that have *not* been made available to the public. In the first instance, we would like to ascertain the volume, accessibility, and general nature of such material.¹⁴

6. Personnel Files for Certain State Department Officials. As we discussed, we may request the personnel files for certain State Department employees who may have been involved, in some manner, in the investigation of the assassination or who may have dealt with Marina or Lee Harvey Oswald in some capacity prior to the assassination. We are attempting to obtain access to these files directly from the Federal Records Center in St. Louis. We do not anticipate designating these files as assassination records. However, we do seek to inspect these records to identify any materials that may possibly relate to the assassination. In the event we are unable to obtain these personnel records directly, we may request the State Department's assistance in making these records available.

7. Records Relating to Cuba. At our meeting, we raised with you the general issue of locating State Department records on Cuba that may relate to the assassination. In the early

¹⁴ Some of the unpublished sources that we believe should be reviewed for assassination-related materials are records of the Secretary of State's staff meetings (Lot No. 66 D147), files of Under Secretary of State George Ball, including transcripts of his phone conversations (Lot No. 74 D 272), and memoranda of conversations of the Secretary and Under Secretary (Lot No. 65 D 330). Again, to the extent that these files have been declassified and are available to the public, no further review or processing would be required. Only to the extent that these (and certain other) files are not publicly available would we deem it necessary to inspect them for assassination-related materials that should be released.

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1960s, the Special Group (Augmented) of the National Security Council was actively involved in Cuba matters. It is our understanding that Secretary Rusk and Deputy Undersecretary Johnson, among others, participated in the Special Group (Augmented) on behalf of the State Department. Accordingly, the Review Board seeks to locate any records that the State Department may have on the Special Group (Augmented) or Operation Mongoose, including post-assassination records that may relate to any discussion or analysis of potential Cuban complicity in the assassination or any discussion of potential "retaliation" arising from the Castro assassination plots.

In connection with locating additional Cuba-related records, you have made available for our inspection a set of records for the Interdepartmental Coordinating Committee on Cuban Affairs, an inter-agency group on Cuba policy headed by the State Department. We are continuing to review those materials and are presently determining whether any of the materials should be designated as assassination records.

8. Rusk Telephone Records. The State Department papers in the JFK Collection include summaries of certain telephone calls of Secretary of State Rusk relating to the assassination. These were selected by Dr. Noring. Dr. Noring advised us that these records may have been selected from among a set of summaries dated around November 1963 and that similar records for 1964 were not reviewed. The Review Board requests that the search be broadened. Given that the Warren Commission's investigation continued in 1964 and that Secretary Rusk testified before the Warren Commission that year, please make available to the Review Board the complete set of Rusk telephone records so that we may inspect them for additional materials relating to the assassination.

9. Ceremonial Records. In its Compliance Statement, the State Department has noted that there are voluminous records that relate to foreign countries' condolences regarding the death of President Kennedy (so-called ceremonial records). Given that these records do not bear upon the investigation of the assassination, and given the volume of such records, the State Department decided not to designate them as assassination records under the JFK Act. *See* Compl. Stmt. at 4. The Review Board tentatively agrees that such records, as represented, need not be designated as assassination records. However, we would ask that the State Department identify and make available for inspection the files within which these ceremonial records are contained so that we have some level of assurance that these files do not contain other documents that may be relevant to the investigation of the assassination. It may be appropriate to designate a few ceremonial documents as assassination records as examples.

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10. Compliance Official. You stated that your position as head of the Office of Freedom of Information, Privacy, & Classification Review may change and, if so, you would no longer be the compliance official for the State Department. If this occurs, please notify the Review Board and identify for us the new compliance official.

11. Postponed Records. We understand that the Department of State has submitted to the Review Board some records containing material whose release the Department of State is seeking to postpone and that these proposed postponements must be ruled upon by the Review Board. These materials will be submitted to the Review Board for determination.

12. Final Declaration of Compliance. As you know, the Department of State will need to submit a Final Declaration of Compliance later this year; this Final Declaration should reflect any additional follow-up work or other matters bearing upon the Department's compliance with the JFK Act. Please also note that the Final Declaration of Compliance will need to be executed under oath in the form prescribed by 28 U.S.C. § 1746.

Should you or Nina Noring have any questions, or wish to discuss any of these matters further, please do not hesitate to call me or Michelle Combs. Thank you for your continuing cooperation with our work.

Sincerely,

Ronald G. Haron
Senior Attorney

cc: John W. Kropf, Attorney - Advisor,
Office of the Legal Advisor
Nina J. Noring, JFK Act Liaison