

January 6, 1998

BY FACSIMILE & FIRST-CLASS MAIL

Ms. Margaret P. Grafeld  
Director  
Office of Information Resources  
Management Programs and Services  
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:

Thank you for submitting, on October 16, 1997, a draft of the State Department's proposed final statement regarding its compliance with the President John F. Kennedy Assassination Records Collection Act of 1992 ("JFK Act"). You requested any comments we might have regarding this draft and that we identify any additional efforts that should be undertaken by the State Department to complete its work under the JFK Act. *See* Oct. 16, 1997 Letter from M. Grafeld to R. Haron. We are writing to address your requests.

A. Additional Work By the State Department Under the JFK Act

Based on the State Department's representations and work to date, which we acknowledge has been quite extensive, we consider the Department's work under the JFK Act to be substantially complete. Furthermore, we do not anticipate conducting a compliance deposition of the State Department. The Review Board might request that the State Department conduct additional record searches should we acquire information suggesting that the Department has additional records relating to the assassination. Should the State Department locate any additional records relating to the assassination, we would expect the Department to continue to transmit those records to the Chief of the JFK Assassination Records Collection ("JFK Collection") at the National Archives and Records Administration ("NARA") in College Park, Maryland.

We appreciate the additional information that the State Department has recently given to the Review

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Board with respect to State Department records, including in particular its providing to the Review Board indices (or manifests) to stored files of key State Department officials from the Kennedy era. We are currently reviewing these indices and assessing what additional review we should undertake for some of these files. It is our understanding, however, that the State Department has reviewed all of these records for assassination materials and that, for the most part, these major record groups have been transferred to NARA for public release under the State Department's general declassification program. *See* Oct. 16, 1997 M. Grafeld Letter, at 4. Accordingly, based on these representations, we do not expect to identify any additional non-public assassination records, but will keep you apprised of any developments in this regard.<sup>1</sup> We will coordinate directly with NARA regarding any further review of State Department records at NARA.

Although the State Department's work is by and large complete, there are some miscellaneous matters that we ask the Department to undertake. First, please continue to review, under the JFK Act, State Department equities in any assassination records that may be referred to you by other agencies.

Second, we appreciate your providing us with certain State Department manifests to assist us in identifying specific records for potential review, and we request copies of some additional manifests for the following Lot Files:

- 79 D 248 (described as one of the Department's "core holdings on the Kennedy assassination");<sup>2</sup>
- 90 D 110 (INR/EAP Files);
- 66 D 193 (Vietnam Working Group Files);
- 65 D 256 (Files for the Officer in Charge of Cuban Affairs, 1962);

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<sup>1</sup> In the unlikely event that additional assassination records are identified among the State Department records now at NARA, the State Department would still have responsibility, under the JFK Act, for processing the records and placing them in the JFK Collection to the extent that legal transfer of the records to NARA had been effected after passage of the JFK Act.

<sup>2</sup> We have indices to the two other Lot Files that represent the core assassination-related holdings of the State Department (Lot File Nos. 69 D 186 and 85 D 275), but we have no index for this third key Lot File, No. 79 D 248.

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- 66 D 501 (Coordinator of Cuban Affairs for 1964);
- 65 D 330 (Secretary's Memoranda of Conversations 1961-64);
- 66 D 147 (Secretary's Staff Meetings 1961-63);
- 65 D 438 (Master File on the Cuban Missile Crisis);
- 70 D 328 (State/JCS Meetings 1959-63);
- 69 F 197 (Mexico City Post File);
- 90 D 329 (INR Records);
- 90 D 481 (Soviet Records); and
- 71 D 198 (Legal Files).

These files were either identified previously by you, identified in *FRUS*, or identified as a source for certain records included by the State Department in the JFK Collection. As with our prior requests, we seek these manifests to help us assess what, if any, further review should be undertaken by the Review Board staff.

Third, we previously requested from the Office of Research & Liaison, Passport Services, the passport picture of Robert Edward Webster, who had defected to the Soviet Union shortly before Oswald defected. We again request that we be provided with this picture.

Fourth, we are preparing for transmission to the JFK Collection certain State Department records, including cable messages regarding the assassination of President Kennedy, that were previously forwarded by the Department to the Review Board. See Feb. 27, 1996 Letter from N. Noring to D. Marwell and Jan. 30, 1997 Letter from N. Noring to R. Skwirot. We are in the process of referring certain documents to third agencies, as well as having the Review Board consider requested postponements. We will advise you to the extent that any additional processing by the State Department is required.

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B. Submission of the State Department's Final Declaration of Compliance

We request that the Department of State proceed to finalize and submit to the Review Board, by March 2, 1998, its Final Declaration of Compliance under the JFK Act. We have the following comments for your guidance:

1. The Final Declaration should be executed under oath in the form prescribed by 28 U.S.C. § 1746.<sup>3</sup> We have asked all agencies to submit their Final Declarations of Compliance under oath.

2. The Final Declaration should describe the State Department's additional work, including any explanations or clarifications of its work, undertaken in 1997 at the request of the Review Board. This additional information was set forth in your October 16, 1997 letter and should be incorporated into the Final Declaration. In addition, the results of the State Department's efforts to identify and locate the files of key State Department officials, as set forth in Nina Noring's August 7 and 20, 1997 letters, should be included in the Final Declaration.

3. The Final Declaration should describe the review of records undertaken by the State Department with respect to Cuba for the 1960-64 period. This review was described in your November 21, 1997 letter and should be set forth in the Final Declaration.

4. The Final Declaration should confirm that all identified assassination records of the State Department have been placed in the JFK Collection.

5. The Final Declaration should confirm that all records whose release the State Department sought to postpone under the JFK Act have been submitted to the Review Board for vote.

Otherwise, we have no further comments regarding the draft you submitted. As you finalize the State Department's Compliance Statement, please feel free to call me, Ron Haron, or Irene Marr if any questions or issues arise. We wish to work with you to assist the State Department in completing its work under the JFK Act.

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<sup>3</sup> Thus, you, as the declarant, should state at the end of the Final Declaration that "I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. on this \_\_\_ day of \_\_\_\_\_, 1998."

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Thank you for your cooperation in seeking to meet the requirements of the Review Board's compliance program under the JFK Act.

Sincerely,

T. Jeremy Gunn  
Executive Director

cc: Nina J. Noring, JFK Act Liaison,  
State Department