

March 2, 1998

BY HAND-DELIVERY

Ms. Carol Keeley  
Acting Unit Chief  
JFK Task Force  
Federal Bureau of Investigation  
10th Street & Pennsylvania Avenue, N.W.  
Washington, D.C. 20536

Re: FBI Compliance with the JFK Assassination Records Collection Act

Dear Carol:

Laura Denk, Kevin Tiernan, and I would like to meet with you to discuss informally the FBI's initial Statement of Compliance and, ultimately, the Final Declaration of Compliance to be filed by the FBI this year. The principal subject of this meeting will concern the sufficiency of the FBI's searches for records relating to President Kennedy's assassination and the documentation of those searches in the FBI's Final Declaration. It is not our intention to address, at this meeting, issues regarding the processing of FBI records for the JFK Collection, which I understand is the subject of ongoing communications between you and Laura.

Because we have specific questions and matters we intend to raise with you, we are enclosing an outline of those issues to assist you in any preparation you might need. After you have had an opportunity to review the enclosed outline, we would like to arrange to meet with you.

Please feel free to contact me, Laura, or Kevin in advance of our meeting if you have any questions, seek any clarification, or wish to discuss any of these issues.

Sincerely,

Ronald G. Haron

Associate General Counsel

Enclosure

cc: T. Jeremy Gunn (w/enc.)

Laura Denk (w/enc.)

Kevin Tiernan (w/enc.)

## OUTLINE OF FBI COMPLIANCE ISSUES

### A. Adequacy of Searches

In connection with the sufficiency of the FBI searches under the JFK Act, we have background questions regarding FBI indices, as well as questions regarding the searches of the following FBI records:

- (1) the "core and related" files regarding President Kennedy's assassination;
- (2) the files made available to the Church Committee and HSCA;
- (3) the files made available to the ARRB in connection with its requests (FBI Nos. 1-53);
- (4) administrative files;
- (5) any separate files maintained by top FBI officials with responsibility for investigating the JFK assassination.

#### 1. Background Questions Re FBI Indices

We have the following general questions regarding FBI indices and record searches:

- Did the FBI's searches in the Central Records System ("CRS") encompass the following specialized indices? If not, were these indices separately searched?

ADEX (HQ and 29 Field Offices)

Criminal Informant Index (HQ)

General Security Index (1 Field Office)

Informant Index (56 Field Offices)

National Security Electronic Surveillance Card File (HQ) -- (How does this differ from the ELSUR index?)

Security Informant Index (HQ)

Security Subjects Control Index (1 Field Office)

Surveillance Locator Index (2 Field Offices)

Toll Record Request Index (HQ)

- What are the indices identified on the current FBI search slips (FD-160's) used to search for assassination-related records?
- What are the 27 classified indices mentioned, but not identified, in the Federal Register? *See* 58 Fed Reg. 51865 (Oct. 5, 1993).
- Did the FBI's searches of the CRS encompass these 27 classified indices? If not, were these indices separately searched?
- Did the FBI search the National Crime Information Center records system (§D) (which identifies persons designated by the Secret Service as a threat to the President)?
- Did the Universal Case File ("UCF") replace/continue the CRS as of November 1991? Does the UCF need to be searched to identify assassination records post-dating November 1991? (the FBI's initial Compliance Statement, at 3, states that this system was not searched)
- Does a CRS search at HQ identify Field Office files or does a Field Office need to do a separate search?
- Does an ELSUR search at HQ identify ELSUR conducted by a Field Office or does the Field Office need to do a separate search?
- Does a CRS or ELSUR search identify informant files or does a separate search need to be done?
- Are there separate records (apart from informant files) created for a source that may come forward with information but who is not a regular FBI informant?

## 2. Core and Related Files

We seek to understand in more detail how the FBI identified the set of "core and related" files from its HQ, Dallas, New Orleans, and Mexico City offices. The FBI Compliance Statement says these files were identified over the years as responsive to various FOIA requests. *See* FBI Compl. Stmt., at 2. We would like to have the Final Declaration of Compliance be more specific in describing how the "core and related" files were identified:

- Is there any documentation of the search that was done to identify the universe of existing "core and related" files on the Kennedy assassination? (We believe that certain FOIA (190 series files) of the FBI (HQ, Dallas, and New Orleans) would have this information, as well as being responsive to our Request No. 48 to the FBI. *See, e.g.*, HQ 190-709, DL 190-36, and

NO 190-33 & 34.)

- Please make available any records, including relevant sections of the JFK Act file (HQ 62-1029205) that would disclose the searches done to identify the “core and related” files from HQ, Dallas, New Orleans, and Mexico City.
- Which search terms did HQ, Dallas, New Orleans, and Mexico City use in searching the CRS and ELSUR for records on the “core and related” subjects?
- Please make available the original (or copies) of the CRS index cards and the ELSUR search results from HQ, Dallas, New Orleans, and Mexico City for Lee Harvey Oswald, Marina Oswald, Jack Ruby, and John F. Kennedy.
- Other than name searches, what other subject searches were done (or could be done) to identify files relating to the assassination of President Kennedy, as well as files that might have related to pre-assassination threats against President Kennedy? If an informant came forward with information regarding a threat against President Kennedy, what search would be done to identify any records memorializing such information?
- In the Final Declaration, please reference the file or files that contain the documentation reflecting the FBI’s searches for, and identification of, the “core and related” files, and confirm that such documentation will be available for inspection in the JFK Collection.

### 3. Files Made Available to the Church Committee and HSCA

- How did the FBI identify the universe of files made available to either the Church Committee or the HSCA? And how did the FBI determine which of these files were to be processed as assassination records under the JFK Act?
- Please make available any records that would explain the process the FBI undertook to identify the files made available to the HSCA and Church Committee and, thereafter, designated by the FBI as assassination records under the JFK Act.
- In the Final Declaration, please reference the file or files that contain the documentation reflecting the FBI’s searches for, and identification of, the FBI files made available to the Church Committee and the HSCA and confirm that such documentation will be available for inspection in the JFK Collection.

### 4. Files Made Available Pursuant to ARRB Requests 1-53

Generally, we do not at this time have any additional questions with respect to the adequacy of searches in response to ARRB requests. However, we request the following:

- in the Final Declaration, please describe the searches that were done to confirm that the FBI did not have an informant file for Lee Harvey Oswald (FBI No. 5)
- in the Final Declaration, please describe the searches that were done to confirm that the FBI did not have records specifically requested by the Review Board
- in the Final Declaration, please explain the circumstances for the destruction of files that were identified as responsive to any Review Board requests (Nos. 1 to 53)
- in the Final Declaration, we may request you to reference the file or files containing the documentation that describes the FBI searches conducted in response to Review Board request nos. 1-53 and to confirm that such documentation will be available for inspection in the JFK Collection

We may have additional matters to raise with you as records responsive to Review Board request nos. 1 to 53 are reviewed and processed.

#### 5. Administrative Files

We want to make certain that all 62-series and 66-series files relevant to the JFK assassination are identified. The main JFK investigation file of the FBI is a 62-series file (HQ 62-109060), as are the FBI files relating to the Warren Commission, the Church Committee, and the HSCA (*see* HQ File Nos. 62-109090, 62-116395, and 62-117290, respectively). In addition, the 66-series files include files for top FBI officials, such as Director Hoover and Associate Director Tolson (*see, e.g.*, Hoover telephone logs and Tolson chron). The 66-series also has included ELSUR materials (*see, e.g.*, DL 66-1313 containing ELSUR on Marina Oswald). Accordingly:

- Are there indices for, or lists of, the file captions that are filed under the 62 series classification number (Administrative Inquiry/Misconduct in Office) and the 66 series classification number (Administrative)?
- How are relevant administrative files identified if they do not relate to a person and would not be identified by a name search?
- Is there a 62-series file for the inquiry of the House Judiciary Committee (Edwards

Subcommittee) into the destruction of the Oswald note?

- How can we be best assured that any 62-series files on the FBI's internal investigations of the Hosty note destruction, the pre-assassination handling of the Oswald case, and the Walter teletype allegations have all been identified under the JFK Act?

#### 6. Files of Top FBI Officials

We want to be certain that we have identified all general files that may have been maintained by the top FBI officials with responsibility for investigating Lee Harvey Oswald prior to the assassination or with responsibility for the JFK assassination investigation. This issue may need to be addressed in more detail in the FBI's Final Declaration. We have the following questions:

- How can we determine whether or not the FBI has maintained separate chron, subject, working, or "tickler" files for certain top FBI officials?
- Are the general files of high-level officials stored and numbered under a 66-series file number (or some other file series)? (For example, the FBI has identified 66-series files maintained by Hoover (telephone logs) and Tolson (chron file).)
- What is the status of the search for Director Hoover's subject files, including his files on the assassination? (*see* FBI No. 36). If these cannot be found, we will request that the Final Declaration describe what was done to locate these files.
- Are there administrative files (66-series) regarding disposition of files of high-level FBI officials? (We have identified, for example, HQ File No. 66-3286 as relating to the destruction of FBI records)

#### B. Destruction of Records

We request that the FBI explain, in its Final Declaration of Compliance, the destruction of any assassination records. In that regard, we have the following questions:

- How did you identify the field records that were destroyed (*see* Attachment F to FBI Compl. Stmt.)?
- Were any HQ records on the Kennedy assassination destroyed?

- What additional information do you have regarding the destruction of certain Dallas files identified by the FBI (*see* Attachment F to FBI Compl. Stmt.)? For example, what was the main subject of these files? (Apparently, these files made reference to Ruby and Oswald, but were not main files on them. However, we need to confirm that with you.).
- We need further explanation regarding the missing (or perhaps destroyed) Tolson chron file from 1963-64 (HQ 66-17404-95).

C. Redaction of Grand Jury Material

In the Final Declaration, we request a representation as to the standards that were used to redact grand jury information and a representation that those standards were applied.

D. Placement of Assassination Records in JFK Collection

We ask that the Final Declaration report that all identified assassination records have been placed in the JFK Collection.