

BY HAND DELIVERY

May 11, 1998

Ms. Carol Keeley
Chief, Historical and Executive Review Unit
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:

Thank you for meeting on April 9 with Laura Denk, Kevin Tiernan, and me to discuss the contents and submission of the FBI's Final Declaration of Compliance under the JFK Assassination Records Collection Act, 44 U.S.C. § 2107 ("JFK Act").

In our meeting, we agreed that the FBI will submit its Final Declaration to the Review Board by August 1, 1998. In addition, we understand that the FBI will undertake the following as part of its efforts to demonstrate that it has diligently searched for all records relating to the assassination of President Kennedy:

1. Documentation for Main Files on the Kennedy Assassination. The FBI will include with its Final Declaration copies of the index cards that identify main FBI files for the following assassination-related subjects: Lee Harvey Oswald, Marina Oswald, Jack Ruby, and John F. Kennedy. The FBI will include copies of these index cards from FBI Headquarters, and from the Dallas, New Orleans, Mexico City, and Washington, D.C. field offices.
2. Documentation of ELSUR Searches. The FBI will also include with its Final Declaration the search results for any ELSUR (electronic surveillance) where the four subjects listed above (*i.e.*, Lee and Marina Oswald, Jack Ruby, and John F. Kennedy) were targets.¹

¹ We recognize there may be references to the Oswalds, Ruby, or Kennedy in ELSUR targeting other individuals. Taking account of the fact that it may be impracticable to identify all those references in the Final Compliance Statement, however, we are proceeding to work with the FBI

To the extent that any such ELSUR is identified, please describe the nature of the ELSUR and confirm whether tapes and any transcriptions have been placed in the JFK Collection and, if not, explain why not (*e.g.*, if the ELSUR was destroyed or if not deemed to be related to the assassination).

3. Documentation of Work Under the JFK Act. To document its efforts to comply with the JFK Act, the FBI previously agreed that it would place in the JFK Collection relevant portions of its JFK Act administrative file (HQ 62-102905). The Review Board staff previously agreed to review the file and to designate particular records as assassination records. In addition, the FBI has slated for processing its tickler file that the Bureau used to identify FBI files previously made available to the House Select Committee on Assassinations and currently being processed under the JFK Act (the "HSCA Subjects").

4. Files on the Assassination That May Not Be Identified by the CRS Index. The files on the assassination identified by the FBI under the JFK Act are its official, master files identified through a search of the FBI's Central Records System ("CRS") index. We request, however, that the FBI undertake a reasonable inquiry to determine whether it has any significant record holdings on the Kennedy assassination that may not have been indexed under the CRS. For example, we ask that the FBI check with the relevant FBI divisions, such as the General Investigative Division, the Domestic Intelligence Division, the Crime Records Division, the Special Investigative Division, the Laboratory Division, and the Inspection Division, to determine whether they separately maintained any files on the Kennedy assassination. In addition, we recommend that the FBI consult with its archive office (referenced in the FBI's initial compliance statement) to ascertain the existence of any separate, unofficial files relating to the Kennedy assassination.

Accordingly, please confirm in the Final Declaration that the FBI has made a diligent search for files on the Kennedy assassination that may not be identifiable through the CRS index. If the FBI locates any such files, the FBI should of course process them under the JFK Act.

to identify any such relevant references (so-called "overhears").

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As part of this inquiry, the FBI should account for any records that may have been separately maintained by, or for, top FBI officials with responsibility for investigating the assassination.² (The relevant FBI officials were identified in our letter to you dated January 22, 1997).³ When we discussed the files of these top level officials at our meeting, you said that you did not know whether any such files have been maintained by the FBI. The Review Board requests that any files of the relevant high-level FBI officials, which have been saved by the FBI, be identified so that a determination can be made as to what files should be reviewed by the Review Board for records on the assassination (irrespective of whether such files are identified by the CRS). If any indices of such files are available, we ask that those be provided to us.

5. Search of Additional Indices. At our meeting, we had inquired as to the nature of additional FBI indices and whether they would disclose information not available through the CRS (these indices were listed in my March 2, 1998 letter to you). To the extent that these indices are merely duplicative of the CRS index, and provide no other information, please note that in the compliance statement. If any of these indices identify the existence of other records or disclose other information not available through the CRS, then we request that those indices be searched for key assassination-related topics (*i.e.*, Lee and Marina Oswald, Jack Ruby, and John F. Kennedy) and that the search results be reported in the Final Declaration.

6. Information Regarding Destruction of Records. You stated that you would check to see whether you could obtain any further information regarding the destruction of miscellaneous records on Oswald and Ruby from the Dallas office (so-called "see" references for Oswald and Ruby). Any additional information regarding this destruction should be included in the Final Declaration.

² Although not raised at our meeting, we request that the FBI state, in the Final Declaration, what it has done to locate assassination-related materials that apparently were in the possession of FBI Director Hoover. These materials were referenced in an index that the FBI prepared of Director Hoover's records and were identified on one of the index cards that were maintained for Hoover's records. We previously had asked the FBI previously to locate these materials. *See* April 22, 1997 Letter from D. Marwell to C. Keeley.

³ As you know, we first raised the question of whether the FBI maintains files of former top-level officials in early 1997, and we had requested that any such files be reviewed. *See* Jan. 22, 1997 Letter from P. Golrick to C. Keeley.

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7. Transfer of Assassination Records to the JFK Collection. In its initial Statement of Compliance, the FBI identified those files that were transferred to the JFK Collection at the National Archives and gave the date of transfer. We request that this list be updated to include those additional FBI files that have been transferred to the JFK Collection.

Thank you again for your cooperation, and please feel free to contact us if you have any questions or wish to discuss these matters further.

Sincerely,

Ronald G. Haron

Associate General Counsel