

January 17, 1997

VIA FACSIMILE

Lieutenant Colonel Mike Finnie  
Office of General Counsel  
1000 Navy Pentagon  
The Pentagon  
Washington, DC 20350-1000

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

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Dear Colonel Finnie:

I wish to thank you and Christopher Tynes for meeting with Timothy Wray, Christopher Barger, and me on January 3, 1997, to discuss the scope of the Department of Navy's searches for assassination-related records, as well as the Navy's compliance generally with the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) ("JFK Act"). As a result of our meeting, it is our understanding that the Navy<sup>1</sup> will proceed as follows:

1. The Navy Will Search for Certain Navy and Marine Records That May Relate to the Assassination. At our meeting, we asked that the Navy locate and review several categories of records that may contain documents relating to the assassination of President Kennedy (many of these categories were previously identified to the Navy through the Review Board's October 25, 1995 letter to the Department of Defense). Such Navy records may contain information relating to Lee Harvey Oswald or the assassination that would be of public interest, such as information regarding Oswald's military service with the Marines, including his work at the Atsugi Naval Air Station in Japan; Oswald's defection to the Soviet Union in 1959, his residence there, and his return to the United States in 1962; Oswald's undesirable discharge from the Navy in 1960, Oswald's appeal thereof to the Secretary of the Navy in 1961, and subsequent correspondence and documents related to his appeal in 1962 and 1963;

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<sup>1</sup> In referring to the Navy throughout this letter, we intend to include the Marine Corps.

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the assassination of President Kennedy, including any investigation of the assassination or of the Oswalds by the Navy or Marine Corps; any investigative or intelligence information relating to the Oswalds or the assassination; and any Navy or Marine Corps work or communications with the Warren Commission, the House Select Committee on Assassinations ("HSCA"), or the Church Committee. We specifically reviewed with you certain record categories that should be inspected for documents or information on these subjects. These records include:

--Records of the Commandant of the Marine Corps for the period 1957 to 1964, including any chronological, subject, work, or "soft" files.

--Records of the Secretary of the Navy, Assistant Secretaries of the Navy, the Chief of Naval Operations, and the head of the Office of Naval Intelligence for the period 1957 to 1964, including any chronological, subject, work, or "soft" files.

--Records of the General Counsel, Judge Advocate General, or equivalent legal office for the Navy and the Marine Corps for the periods 1963-64, 1975-76, and 1977-79 when those offices may have worked or communicated with the Warren Commission, the Church Committee, or the HSCA, respectively.

--Records of the naval attaché stationed in Moscow during the 1959-62 period (also records for any naval attaché that may have been stationed in Mexico City in 1963-64). Such records may contain information regarding Oswald's residence in the Soviet Union from 1959-62 and his visit to Mexico City in 1963.

--Records of the Office of Naval Intelligence ("ONI"), and any related offices, for the period 1957-64, including records of the Director for the Office of Naval Intelligence (OP-921E), the District Intelligence Office for the Ninth Naval District (Chicago, Illinois), and the District Intelligence Office for the Eighth Naval District (New Orleans, Louisiana). From our review of ONI documents at National Archives, it appears that these offices had communications regarding Oswald's defection to the Soviet Union.<sup>2</sup>

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<sup>2</sup> Please determine whether ONI maintained any office in Dallas in 1962-64. In addition, please make available reports, histories, or other documents that would identify the ONI offices throughout the country, and that would identify the personnel for the Chicago, New Orleans and, if applicable, Dallas offices of ONI for the period 1962-64, including their responsibilities and

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assignments (particularly counter-intelligence responsibilities, alone or in conjunction with other agencies, that might relate to Oswald's activities upon his return to the United States from the Soviet Union).

--Records for the period 1959-64 for the Commander, Marine Air Reserve Training, for the Naval Air Station at Glenview, Illinois. Based on our review of ONI documents at National Archives, it appears that this command was to be kept apprised by ONI of information relating to Oswald after his defection (since Oswald technically came under that command in 1959 due to his Marine Corps Reserve training obligation).

--Records of Oswald's two operational units, MACS-1 (for 1957-58) and MACS-9 (for 1958-59), which would reflect unit movements and unit deployment dates.<sup>3</sup> These records may contain further information as to Oswald's duties and activities in the Marine Corps, including his activities while stationed in Japan.

2. The Navy Will Retrieve Specific Archival Records for Review. At our meeting, we identified for you several archive record groups from the Navy and Marines that may contain assassination-related records. We provided you with the SF-135 forms for those records and highlighted the pertinent files for review (a list of the archive records we identified is attached).

3. Subjects that May Relate to the Assassination. In addition to the major record categories we have identified, there are a number of subjects or issues that relate to Oswald or the assassination that may be contained in those, or other, records of the Navy. Accordingly, we request that you locate and review any records that may encompass the following subjects, information, or documents material to the assassination:

--Any investigations of the assassination, or of Lee Harvey Oswald, following the assassination and which were conducted by either the Marine Corps or the Navy including, but not limited to, any records relating to any investigation of Oswald that may have been conducted in December 1963 involving a team of CID investigators traveling to Japan. (Larry Huff, a navigator at Camp Smith, Hawaii in 1963, testified to the HSCA that an investigative team flew from MCAS Kaneohe to Tachikawa, Japan on December 14, 1963, on a C-54, tail number 50855. The HSCA did not resolve whether or not there was such a mission.)

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<sup>3</sup> The Review Board has already received from the Marine Corps the original of Oswald's Enlisted Personnel file and his medical record, as well as copies of various unit diary submissions from the commands in which Oswald served.

--Any intelligence or other reports on the assassination, or on Oswald, that may have been generated by, or transmitted to, the Navy at any time.<sup>4</sup>

--Communications between the Navy and the State Department, CIA, the National Security Agency, FBI, or any other Federal agencies, that relate to the assassination, including any discussion of potential Cuban or Soviet complicity.

--Information that the Navy has on Operation Mongoose or any other plan or action to destabilize Cuba in the 1960-64 time period including, but not limited to, any discussion that the President's assassination may have been in response to, or somehow related to, these plans or actions.

--Any operational records documenting changes in alert status for Navy or Marine Corps units during the period November 8, 1963 thru November 30, 1963, particularly with respect to any potential military action toward Cuba. Similarly, any intelligence reports or assessments describing any unusual movement of Cuban military units or changes to Cuban alert status during the same period. (Some researchers have linked such changes in alert status and movements with President Kennedy's assassination.)

--Information that the Navy has relating to the assassination of President Diem to the extent there is any discussion of a potential connection with the assassination of President Kennedy.

--Intelligence material in the possession or control of the Navy that relates to Cuba or Fidel Castro for the 1962-64 period. The Review Board is not requesting that the Navy necessarily review all its intelligence relating to Cuba for this time period. However, it is important that intelligence material that may relate to the assassination, including any analysis or discussion thereof by the United States Government, or any United States Government discussion of potential Cuban

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<sup>4</sup> For example, we located among the ONI documents at National Archives a document prepared by Rufus L. Taylor, dated November 27, 1963, discussing certain "[i]nformation from our Dallas office" relating to the assassination. The document was sent to Admiral McDonald and to Rear Admiral Taylor, as well as to entities denoted Op-92B and Op-921. The document is attached. Please determine what Navy office was located in Dallas in November 1963 and whether there remain any files from that office that relate to the assassination.

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complicity in the assassination of President Kennedy, be identified. In the first instance, we would ask that you attempt to identify and locate the relevant records that would contain any such intelligence, and that the Navy be able to provide the fullest assurance that its search would have uncovered any such records to the extent they exist.

--All communications to and from the Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps, on the day of and the week after the assassination.

--Documents that relate to any mail cover or mail surveillance programs or operations in the 1959-62 time period with respect to correspondence between individuals in the United States and the Soviet Union including, but not limited to, documents showing whether Oswald's correspondence to or from the Soviet Union was subject to any such program or operation.

--Documents and files that relate to defections of military personnel to Communist Bloc countries from 1959 through 1962.

--Documents sufficient to confirm whether or not there was any United States Navy, military or other Government program or operation during the period 1957 to 1970 to place false defectors in foreign countries including, but not limited to, documents that would disclose the identities of the persons responsible for, as well as any names or codes given to, such programs or operations. If such programs or operations existed, then documents that relate to any such false defector program or operation for the Soviet Union during the period 1957-62 including, but not limited to, documents sufficient to show the identities of any such "false defectors" to the Soviet Union during that time period. (We have been informed of a program designated "Code 30," and would ask that you confirm whether or not it, or some similarly designated program, relates to a false defector program or operation.).

--Documents and files that relate to internal security of the United States during the 1962-63 period (*i.e.*, documents that discuss, reflect or relate to how the military handled, investigated or monitored--on its own or through other agencies-- subjects living in the United States that may have been considered Communist or otherwise subversive).

--Any other documents that would otherwise confirm or refute, or otherwise relate to, the allegation that Lee Harvey Oswald was connected in any way with a military intelligence entity or any other United States intelligence entity.

--Any audio tapes (or transcriptions thereof) or any other documents that recorded, transcribed, summarized, or related to Joint Chiefs of Staff meetings, National Security Council meetings, any meetings in the White House, or any other conversations in the White House, to the extent that those meetings or conversations, whether in whole or part, in any way referred to, discussed, or otherwise related to the assassination of President Kennedy or subsequent investigations.

--The 1963-64 records of the Naval Aide to the President and the Assistant to the Naval Aide, Tazewell Shepard and Oliver S. Hallett, respectively.

--Any other memoranda, cables, minutes, reports, notes, or other documents relating to President Kennedy's assassination that are in the possession, custody, or control of entities within the Department of the Navy.

4. The Navy Will Arrange for the Review Board to Interview the ONI/JFK Task Force. We have asked to interview the person most knowledgeable regarding ONI's declassification of assassination records in 1993. It is our understanding that an ONI/JFK Task Force was created in 1993 to declassify certain ONI records, and that Christina Perry and Linda Jenkins had responsibility for that project. In particular, we would like to know the identity and origin of the files that were reviewed in connection with that declassification project. In addition, it is imperative that the Navy confirm the existence, location, and chain of custody of the original ONI file on Lee Harvey Oswald, including whether that file today exists in its original form. While there are original ONI documents on Oswald at the National Archives, it is unclear from what files these documents originated. Nor does it appear that these documents constitute the complete ONI file on Oswald as originally maintained by the Navy. Given the importance of this file, these issues should be resolved. In addition, we would ask that you make available the person or persons who are most knowledgeable about the recordkeeping procedures and archives of ONI.

5. The Navy Will Confirm the Adequacy of Certain Prior Record Searches. During our meeting, a question was raised as to whether searches by certain Navy entities or commands was sufficient, including whether the searches encompassed archive records. As part of the compliance program, you stated that you will personally review with the various Navy entities

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the scope and adequacy of their searches. We appreciate your efforts in this regard, and we recognize that this will necessitate some delay in the submission of the Navy's initial Compliance Statement.

6. The National Naval Medical Center ("NNMC") Will Independently Document Its Compliance with the JFK Act. The NNMC at Bethesda will separately demonstrate its compliance with the JFK Act, and it has already designated its own compliance official and submitted its own Statement of Compliance. Therefore, we agreed that your compliance responsibilities do not include NNMC (but they do include the Bureau of Medicine & Surgery).

7. Records of the Bureau of Medicine & Surgery. With respect to records of the Bureau of Medicine & Surgery, we ask that you locate any records of the Bureau (apart from those at NNMC, Bethesda) that may relate to the autopsy of President Kennedy, including primarily the 1963-64 records for the Surgeon General, the head of the Bureau, and the physician assigned to the White House.

8. Compliance Deadline for Initial Statement of Compliance. You requested additional time for the initial Statement of Compliance, and we wish to accommodate that request. Let us know the date by which you anticipate submitting the Department of the Navy's initial Statement of Compliance.

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Thank you again for your cooperation, and please feel free to call Tim Wray, Christopher Barger, or myself to discuss any of these matters or any questions you may have.

Sincerely,

Ronald G. Haron  
Senior Attorney

cc: Mr. Stewart F. Aly, Associate Deputy General Counsel, DOD