

June 30, 1998

BY FACSIMILE & U.S. MAIL

Ms. Claudia Collins
Information Security Division, N5P6
National Security Agency
9800 Savage Road
Fort George G. Meade, MD 20755-6000

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

Dear Ms. Collins:

I would like to thank you and Lee Schroyer for meeting with Michelle Combs and me on June 12 to discuss: (1) completion of the National Security Agency's ("NSA") work under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"), and (2) submission by NSA of its Final Declaration of Compliance. We appreciate the cooperation we have received from NSA regarding its work under the JFK Act. Set forth below is our understanding of the matters we discussed.

1. Completion of NSA's Work under the JFK Act

We understand that NSA has placed most of its assassination records into the JFK Assassination Records Collection at the National Archives. NSA is processing some additional, recently identified assassination records. In addition, we understand that NSA is continuing to review additional 1960's archived records. Please keep us informed regarding the status of your review.

We recognize that NSA is undertaking to locate any records relating to the assassination or the Warren Commission that may have been among the files of the NSA Director (Lt. Gen. Gordon Blake) at the time of the Warren Commission investigation.¹ In addition, we ask NSA to re-check

¹ We understand that NSA recently located materials relating to the Warren Commission from among the files of Dr. Louis Tordella, NSA Deputy Director at the time of the Warren Commission. NSA will designate these materials as assassination records.

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whether it has a particular category of intelligence holdings regarding Cuba and, if so, whether those holdings were specifically reviewed under the JFK Act. Please inform us of your determinations regarding any such records relating to the Warren Commission or Cuba.

We request that NSA use its best efforts to complete its review, identification and processing of assassination records by August 3, 1998.

2. NSA's Final Declaration of Compliance

As we explained, NSA's Final Declaration of Compliance will constitute NSA's certification that it has complied with its obligations under the JFK Act, including the conduct of a diligent search by NSA for records on the assassination. We request that NSA submit its Final Declaration to the Review Board by August 10, 1998. The Final Declaration should be made under penalty of perjury, a request that we have made of all agencies.² NSA's Final Declaration should demonstrate that a diligent search was made for all records relating to the assassination of President Kennedy, that all relevant records were identified and placed in the JFK Collection, and that no relevant records were withheld. Accordingly, we make the following suggestions regarding the content of NSA's Final Declaration:

(a) NSA Work in Connection With The HSCA Investigation Into President Kennedy's Assassination. We suggested that NSA attach to its Final Declaration a 1978 NSA memorandum summarizing NSA's earlier work in locating relevant records on the JFK assassination for the House Select Committee on Assassinations ("HSCA"). See June 15, 1978 Memorandum of Eugene F. Yeates entitled, "Memorandum for the Record -- Actions Taken by NSA to Locate Information Related to the Assassination of President Kennedy" (RIF No. 144-10001-10153). We think this would help in demonstrating NSA's previous efforts to locate all relevant records on the assassination of President Kennedy.

(b) NSA Report to the Review Board. To the extent that NSA considers it helpful in explaining its work under the JFK Act, NSA may want to attach its June 1, 1995 memorandum prepared for the Review Board and which described information that NSA

² The Final Declaration should be executed under oath in the form prescribed by 28 U.S.C. § 1746. Thus, the compliance official would state at the conclusion of NSA's Final Declaration that "I declare under penalty of perjury that the foregoing is true and correct. Executed at Fort Meade, Maryland on this ___ day of ____ 1998."

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would (or would not) have relating to the assassination. *See* Review Board Request for Information (D. Marwell Letter to C. Collins, dated March 9, 1995) (NSA-1) and NSA's June 1, 1995 Response (redacted version at RIF No. 144-10001-10153). We leave this to NSA's discretion.

(c) NSA Description of Intelligence Holdings Searched Under the JFK Act. Consistent with protection of current intelligence methods, we request that NSA attempt to describe, as specifically as possible and in an unclassified format, the identity and time period of its intelligence and archive holdings reviewed under the JFK Act, including any categories of intelligence records relating to the Soviet Union and Cuba.

(d) NSA Certification Regarding Assassination Records. In its initial Statement of Compliance, NSA stated that its relevant intelligence records had "report[ed] on reactions to the assassination" and that they did not contain "unique information" on the "planning, execution, or investigation" of the assassination. *See* NSA initial Compliance Statement, at 3. In light of additional records discovered since the initial Statement, we ask that NSA certify that it has neither located, nor is it withholding, any intelligence records containing information of investigatory significance to the Kennedy assassination.

Thank you again for your cooperation in meeting NSA's obligations under the JFK Act, including submission of its Final Declaration. Please do not hesitate to call Michelle Combs or me regarding any questions you may have.

Sincerely,

Ronald G. Haron
Associate General Counsel