

Department of Justice (not including FBI, DEA, INS)

Phil

In response to an ARRB request, DOJ has designated three persons as points of contact for the ARRB regarding assassination records from the Criminal Division, the Civil Rights Division, and DOJ leadership respectively. The ARRB has pending requests to each of these persons for detailed, current accounts of compliance with the JFK Act.

Until responses to these requests are received, the ARRB staff is unable to give useful estimates of the number of DOJ assassination records containing claimed postponements.

The ARRB staff faced some initial delay in establishing points of contact for DOJ records. Now that this is accomplished, the ARRB staff looks forward to commencing review of DOJ records and working with DOJ to take whatever additional steps are necessary to implement fully the JFK Act.

Federal Bureau of Investigation

Phil

ARRB staff members are working with FBI documents on a daily basis. Their efforts include: (i) reviewing postponements proposed by the FBI, together with the FBI's supporting evidence, to make recommendations to the Review Board regarding these postponements; and (ii) reviewing documents provided by the FBI in response to requests for "additional records and information," in order to identify and locate assassination records that have not been so designated by the FBI.

The ARRB staff conservatively estimates that there will be 18,000 to 20,000 FBI assassination records containing claimed postponements. (No exact figure is available because the FBI has approximately 300,000 pages of assassination records left to process.) To date, the Review Board has made formal determinations on the postponements in 27 FBI records. The FBI also has agreed, after consultations with ARRB staff, to release in full approximately 145 additional records that previously contained postponements. Accordingly, the ARRB staff has not presented these records to the Review Board for formal determinations.

The ARRB has made eight formal requests for additional records and information to the FBI. These requests have included portions of files from the relevant time periods that may contain assassination records (*e.g.*, the FBI Headquarters file on Presidential Protection), as well as records or information that may assist ARRB staff in identifying or locating assassination records (*e.g.*, FBI manuals). The FBI has complied, in whole or in part, with each of these requests, and review of requested materials is ongoing. It is the sense of the ARRB staff that the FBI has acted in good faith in seeking limitation or clarification of requests that it perceived as overly broad or unclear as originally framed.

After reviewing materials provided in response to one of these requests, the Review Board designated FBI Headquarters file 92-3171 for the period January 1, 1960 through January 1, 1963, as an assassination record. (The FBI had acknowledged that this file constitutes an assassination record from 1963 forward.) This file pertains to organized crime figure Sam Giancana.

On the whole, the ARRB staff views its day-to-day relations with FBI personnel as cooperative and productive. However, there has been considerable delay in obtaining from the FBI meaningful evidence in support of its proposed redactions. Although the ARRB wishes to afford the FBI every opportunity to present its justifications for continuing to withhold information in assassination records, difficulties with this process appear to be the greatest impediment to discharging the ARRB's responsibilities as to FBI records.

### Main Treasury

Dennis

To date, the Treasury Department has not identified any assassination records, with or without redactions or postponements. The Department did not conduct a file search for any such records. ARRB staff conducted a review of the file inventories and identified approximately two cubic feet of assassination records held at the Federal Record Center at Suitland. Treasury Records Personnel have been cooperative in retrieving and allowing access to those records.

### Department of Defense (includes OSD, Army, Navy, Marine Corps & Air Force)

Doug

To date, no redacted documents have been identified by any uniformed service or component of the Department of Defense. In April of 1993, in response to the JFK Act, the Army requested all of its activities search for assassination-related documents; three Army activities identified assassination documents and transferred same to the U.S. Army Information Systems Command at Fort Huachuca, Arizona, pending transfer to NARA. As ARRB can best determine, neither OSD nor any of the other uniformed services has taken similar steps.

Accordingly, on August 30, 1995 ARRB requested that DOD and the Departments of the Navy and Air Force issue DOD-wide and service-wide directives informing all activities of the requirements of the JFK Act and requesting that each activity canvass its records in a search for assassination documents. While awaiting DOD and Service compliance with this request, ARRB has compiled, in draft form, detailed requests for additional information which will be forwarded to DOD, Army, Navy (and Marine Corps), and the Air Force during FY 1996. ARRB has every reason to expect that when issued, our requests for additional information will result in the identification of additional military

records for the JFK Collection, some of which are likely to be redacted or postponed.

### Central Intelligence Agency

Mary

Since April 1995, ARRB has made significant progress in determining which, among the millions of redactions that CIA took in documents turned over to NARA under the JFK Act, it can now safely release. This has been an enormous task, involving research into hundreds of names, numbers, pseudonyms, and cryptonyms, and the release of a large portion of these, especially those concerned with CIA's Mexico City operations. Although a huge number of redacted CIA documents remains to be reviewed by ARRB (cite Barry's figures), many of the issues in these unreviewed documents have already been resolved in the 160 CIA documents that ARRB has released since June, and we expect that most of the major remaining issues will be resolved within the next few months. This will make possible a sharp increase in the Board's review of documents by 1996.

### Department of State

Mary

Since most of State Department's records dealing with the JFK assassination, such as its Warren Commission-related records, were retired to NARA before the JFK Act, this left relatively few records--approximately 5000--to be reviewed under the Act's terms. Of these, almost 95% have been opened in full. Approximately 2% are still on referral with other agencies, while only a little over 3% contain postponed material to be reviewed by ARRB. DOS is keeping current on those documents still on referral and has recently released in full a small collection of records which ARRB staff located in DOS files. Following discussions with ARRB staff, DOS is also re-reviewing a small collection of records from the Passport Office. The Department's recent initiation of contact with the governments of Russia and Belarus in the attempt to locate additional documents related to the JFK assassination is an especially important forward step in helping ARRB attain its statutorily-mandated mission. ARRB appreciates all these evidences of DOS's cooperation in the ongoing process of collection and review.

Overall, the Review Board is establishing a good working relationship with the United States Customs Service. The Customs Service designated the Director of the Office of Administration within the Office of Investigations to oversee the search for assassination records. Review Board staff members first met with the Director and his staff in July, 1995. At that meeting, Mr. London indicated that Customs had not begun its search for records, but that it had been aware of its obligations under the JFK Act for over a year. Soon after the July meeting, however, Customs assigned Bruce Miller to search for records and to interact with the Review Board on a regular basis.

Mr. Miller met with our staff in August. At that time, the only assassination records Customs had located were those records referred to it by other agencies. Customs received at least 15 envelopes of referred documents, and it has approved full release of all of those documents. Mr. Miller is not optimistic that other Customs assassination records are extant for the following reasons:

- The current record destruction policy at Customs states in part that Customs will destroy all documents over 20 years old. The policy applies to both headquarters and field office files.
- However, some documents may have survived destruction. In 1975, the Customs Service headquarters moved to its present location. During the move, most divisions within Customs shipped their files to the Federal Records Center in unlabeled and *undated* boxes. Because the boxes did not have dates, Federal Records Center employees may not have destroyed the documents according to schedule. However, for the same reason, the Customs Service in conjunction with the Review Board, will have a difficult time determining which boxes may contain assassination records.
- Another complicating fact is that the Customs Service did not establish its central filing system until 1971, so both the Customs Service and the Review Board are trying to find out how pre-1971 files were maintained.

Members of the Review Board staff will be going to Federal Records Centers with Mr. Miller to review any boxes of documents that may still be intact. In addition, Mr. Miller promised to continue his efforts contact current and retired Customs agents who worked at headquarters and in the Customs field offices during the relevant time period. Finally, the Review Board has asked the Customs Service to keep track of all tasking memoranda it has issued to the various divisions within Customs in its effort to find assassination records.

Since January, 1995, when ARRB staff first contacted representatives of the Secret Service regarding compliance with the JFK Act, the Secret Service has sent a total of 159 White House detail shift reports for the period November 1, 1963-November 23, 1963, to the National Archives. The Chief of the Policy Analysis and Records Systems section, John Machado, sent these shift reports on September 22, 1995. In spite of repeated inquiries, personal meetings, and letters, John Machado has not only failed to undertake a thorough search of all Secret Service holdings; he has also misrepresented the content and nature of Secret Service materials to ARRB staff. The most serious delinquency demonstrated by the Secret Service was the destruction of two boxes of Protective Reports for President Kennedy in the 1961-1963 period, as well as the destruction of similar materials from the Johnson and Eisenhower presidencies. John Machado and others (whom he has repeatedly refused to name) authorized the destruction of the Kennedy Protective Reports *after the passage of the JFK Act*: these records were destroyed at the Washington National Records Center in January, 1995, only 8 days before the first ARRB contact with the Secret Service. The Assassination Records Review Board is continuing its investigation of this matter.

While the destruction of records is the most dramatic instance of Secret Service resistance to the requirements of the JFK Act and to the ARRB's efforts to encourage compliance, additional examples suggest a pattern of noncooperation. Since the Secret Service has denied direct access to ARRB staff to its holdings at Centre Pointe as well as other records sites, it is impossible to say how many assassination records remain to be identified and reviewed. Although ARRB staff were shown some materials from Centre Pointe and were allowed to suggest that these materials included assassination records, we still have no evidence that any records from Centre Pointe are under review by the Secret Service. The Secret Service has limited its estimate of potentially reviewable records to its still surviving holdings at the National Records Center and has suggested that 100 cubic feet of material remains to be examined. At a meeting attended by ARRB staff with 5 representatives from the Secret Service held on August 16, 1995, Assistant Director W. Ralph Basham stated that the Secret Service (through its FOIA office) would begin to send materials referred to the Secret Service from the House Select Committee on Assassinations back to the National Archives at the beginning of September, 1995. The ARRB has only recently learned that some of the referred HSCA materials have been returned to the Archives. None of these materials have been stamped with the appropriate classification status, and the Secret Service has not provided the ARRB with RIFs or computer discs. We have no indication of how many records from the HSCA may contain redactions. Since the Secret Service, at the apparent suggestion of John Machado, seems to be developing a pattern of avoiding the ARRB as much as possible, no representative has submitted any Secret Service records for review at ARRB meetings (despite an invitation to do so) nor has anyone from the Secret Service ever provided any discs listing the status of Secret Service documents. In short, the Secret Service has yet to establish an efficient internal structure designed to meet the requirements of the JFK Act in a timely manner.

In spite of Secret Service reluctance to cooperate with the Assassination Records Review Board, ARRB staff have continued to request that Secret Service materials from Centre Pointe and from the internal Archives at Secret Service headquarters be reviewed. ARRB staff are in the process of examining Secret Service materials (two archive boxes) from the Warren Commission at Archives II that contain postponements. As the Secret Service returns HSCA material to the Archives, ARRB staff will issue requests for evidence for any postponements taken.

### Immigration and Naturalization Service

Dennis

To date, the INS has identified approximately five cubic feet of assassination records. About 1/3 of these have been reviewed by INS personnel and no redactions or postponements have been made. None of these records have been reviewed by the Review Board or staff. Although the INS failed to respond to our initial inquiries, a liaison has now been identified and is fully cooperating with us.

### Drug Enforcement Administration

Kevin

The number of assassination records in DEA files is undetermined. There was apparently no contemporaneous investigation by DEA predecessors, and the extent of cooperation with other agencies (such as the Secret Service) may be unknowable because of some recent records destruction.

From our file of HSCA correspondence with the DEA, we have thirty-six names which appeared in files reviewed by HSCA staff. We sent the DEA a letter in July which listed thirty-six names (twenty-eight from a DEA letter which listed positive references in DEA files and eight Ruby family siblings) and asked to see all files in which they appeared. In a subsequent meeting we were shown the computer generated results of a new search on the thirty-six names. The results were mixed. Some names which yielded positive file references in 1978, did not yield any references in the most recent search. Our DEA contact could not explain this discrepancy, but promised to work on it. Of the names which yielded positive results, we have only looked at the computer search slips, not the actual files. In effect, we have one standing formal request to the DEA which has not been fulfilled.

We also have an informal request for materials which would help us understand DEA recordskeeping generally.

The DEA has been cooperative generally in that they now understand that they have an obligation under the statute. But this project, which is being handled by an Attorney-advisor in their FOIA division, is by no means a priority to the DEA.