

March 31, 1998

The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
2185 Rayburn House Office Building
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter is the Assassination Records Review Board's eighth monthly progress report, as required by the Committee on Government Reform and Oversight report on H.R. 1553 (now P.L. 105-25), that extended the authorization of the Review Board until September 30, 1998.

This month, the Review Board established a new record by processing, through formal determinations and consent releases, more than 5,000 documents. The Review Board acted on more than 3,200 FBI records, 1,260 CIA records, and approximately 540 records from other agencies. The number of CIA records process is the highest number of CIA records released to date. Although we are pleased by this increased pace of review, we received a very disappointing report yesterday, March 30, that will likely have a significant impact on our ability to complete our work.

Yesterday, I was advised by the FBI, for the first time, that it did not anticipate completing its work by the end of this Fiscal Year. Today, I received a letter from Director Freeh stating that the FBI believes that it cannot complete its review before "February 2000."¹ We are very disappointed to have received these communications from the Bureau. Although this is not the place to resolve this

¹Director Freeh's letter implies that the Review Board was advised, at the time of the re-authorization hearings, that the FBI would not complete its work before the year 2001. Although this may have been the internal position of the FBI, the Review Board denies that the FBI ever officially communicated to the Review Board that it would be unable to complete its work in accordance with the timetable established by Congress. In meetings attended by Judge Tunheim, former Executive Director Marwell, and myself, FBI officials assured us that the Bureau would devote sufficient resources to ensure that the work would be completed on time.

The Honorable Dan Burton
March 31, 1998
Page 2

issue, I do believe it is important to note that: (a) on October 27, 1997, I wrote to Director Freeh advising him that the Review Board intended to complete its work -- including review of all FBI records -- during this Fiscal Year; (b) Director Freeh did not respond to my letter *until five months later*, on March 31, 1998; and (c) the FBI agreed, by at least November 7, 1998, to a timetable jointly negotiated that specifically provided for a completion of all work during this Fiscal Year. (Copies of these three documents are enclosed.)

On other matters, the CIA has informed us that they are adding additional staff members to process JFK records and that the pace of review is increasing. Nevertheless, because a large volume of material awaits review, the pace must continue to increase if we are to meet the goal of completion by September.

Since our February report, the Review Board's FBI team has negotiated 20,128 pages of records from the FBI's House Select Committee on Assassinations subject files with the FBI. Although the FBI page count is over 20,000 pages this month, the pace of the FBI's review is slowing.

Our Military records team continues to review several thousand pages of military records from the early 1960's that the Review Board designated as assassination records and determined will enrich the historical record surrounding the assassination of President Kennedy. Preparations are underway for another joint declassification session in April, and representatives from the CIA, the State Department, the Army, the Joint Staff, the National Security Council, and the Office of the Secretary of Defense (OSD) are scheduled to attend. I am also pleased to report that today 88 additional records, totaling 936 pages, from the Department of Defense were transferred from the Review Board to NARA.

I would also like to take this opportunity to provide you with an update on our compliance program. We have now received the initial Statement of Compliance from the CIA. We are in the process of evaluating the statements of the CIA and the FBI. We have scheduled a meeting with representatives at the FBI to review its compliance status. Additionally, the Air Force has issued a Final Declaration of Compliance, and we have, based on our review, formally requested that it undertake additional work under the JFK Act.

The INS reported to the Review Board that a substantial "working file" on Marina Oswald will be transferred to the JFK Collection. We have also been informed that the DOJ Civil Division files for various FOIA cases against the CIA and the FBI regarding assassination-related records will be transferred to the JFK Collection. The DOJ Criminal Division is continuing to process organized crime records designated as assassination records and is also preparing internal security records for

The Honorable Dan Burton
March 31, 1998
Page 3

our review.

As you are aware, we have obtained authorization from the House Committee on Government Reform and Oversight to inspect the records from the Subcommittee on Government Information and Individual Rights of the House Committee on Government Operations (Abzug Subcommittee). We are still awaiting authorization of the House Judiciary Committee to inspect the records of the House Un-American Activities Committee and the Edwards Subcommittee. As for Senate Congressional records, we continue to receive transcripts of the Church Committee and refer them to the appropriate agencies for release.

We have issued, through the Justice Department, a subpoena to the Sixth Floor Museum in Dallas, Texas, and have requested issuance of a subpoena to Lawrence Schiller, who possesses copies of KGB records on Lee Harvey Oswald.

The State Department advised us that in the March meeting between Vice President Gore and Russian Prime Minister Viktor Chernomyrdin, the first item on the agenda was Russian records related to the assassination of President Kennedy.

Finally, you may wish to know that I was invited by Chairman Fred Thompson to provide testimony to the Senate Governmental Affairs Committee on S. 712, a bill that provides for revising Federal policy on classification and declassification. It is my understanding that the bill was introduced by Senators Moynihan and Helms and that it has, at this point, significant bi-partisan support. I delivered that testimony on March 25.

Thank you for your continuing support and interest in the work of the Review Board. Please do not hesitate to contact me if you have any questions.

Sincerely,

T. Jeremy Gunn
Executive Director

Enclosures