

April 30, 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 ninth 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.

The Review Board met on April 13 and processed, through formal determinations and consent releases, more than 4,300 documents. The Review Board acted on more than 2,800 FBI records, 725 CIA records, and approximately 775 records from other agencies.

Last month I reported to you that I had received a letter from Director Freeh stating that the FBI would be unable to complete its work under the JFK Act until 2001. Based upon our own understanding of the work that remained to be completed by the Bureau, we believed that its work could indeed be completed within the statutory deadline. We reported our analysis to Messrs. Moll and Schaffner of your staff, officials from the Bureau, and the National Archives. After extensive and cooperative discussions with Bureau officials, they acknowledged that they will be able to complete their work during this Fiscal Year. I am enclosing a copy of my follow-up letter to Director Freeh.

Despite the formal reassurance that we have now received from the FBI, we nevertheless continue to have some concerns about its ability to adhere to the schedule that was mutually adopted. For example, there has been a significant backlog in the Bureau's transferring records to the Archives that

have long since been reviewed by the Board. Although a schedule was established for the transfer of these records, the Bureau continues to fall short of meeting its commitments.

Since our report in March, the Review Board's FBI team has negotiated with the FBI 15,544 pages of records from its House Select Committee on Assassinations subject files.

The Review Board staff has almost completed its work on the approximately 60 requests for additional information that we have made to the FBI. The Review Board staff will complete its review of these files and designate any relevant records as assassination records on or before June 1.

At our April meeting, the Review Board processed 725 CIA/HSCA records. The Review Board staff also continues to make progress on its outstanding requests to the CIA for additional information and records. More than 10 requests were completed during the last month and the CIA continues to work cooperatively with the Review Board staff to make additional materials available for our inspection. We have also completed our review of the CIA's Office of Security File on Lee Harvey Oswald, which was located in response to a specific Review Board request. The file will be delivered to the National Archives in May. This is a new Lee Harvey Oswald file that has never before been available to the public.

Our military records team continues its review of several thousand pages of military records from the early 1960s that the Review Board designated as assassination records. Another joint declassification session was held in the Review Board office on April 7 - 9, 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 were in attendance. Approximately 4,000 pages of documents were processed in this session, and these documents are now in various stages of staff and Board review. I would also like to report that 45 additional records from the Department of Defense (27 from the Defense Intelligence Agency, 12 from the papers of Joseph Califano, five from the Joint Chiefs of Staff, and one from the Air Force) were transferred from the Review Board to NARA.

We continue to make progress with our Compliance Program. As scheduled, we met with the FBI in order to provide guidance on submitting its Final Declaration of Compliance. Additionally, we met with the National Archives and Records Administration (Main and Southwest Region) to review the status of their compliance. We have also formally requested that both the National Security Council and the Ford Library submit their Final Declarations of Compliance. The Department of the Navy submitted its Final Declaration of Compliance; however, the Review Board has determined that the work of the Office of Naval Intelligence is not yet complete. The Board also has asked that the Defense Intelligence Agency resubmit its Final Declaration of Compliance under oath.

We are now receiving and processing Church Committee transcripts at an accelerating rate. We are very encouraged by this development because of the many delays we previously had experienced from the Senate Select Committee on Intelligence. We assume that your December 16, 1997 letter

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to Chairman Shelby helped stimulate this very positive change. With respect to other Congressional committees, we have now inspected the records from the Subcommittee on Government Information and Individual Rights of the House Committee on Government Operations (Abzug Subcommittee) and have recommended that the files regarding FBI records and the JFK assassination be placed in the JFK Collection.

On April 14 the Review Board sponsored a Conference of Experts on Records Declassification in preparation for its Final Report. The Board invited 12 experts to a conference in Washington to discuss possible recommendations to be included in the report. The conference provided a forum for the exchange of ideas on the declassification process.

On April 21 - 22, 1998, we conducted an inspection of subpoenaed documents and deposed two representatives of the Sixth Floor Museum in Dallas, Texas. We are pleased with their cooperation and anticipate that they will send copies of their important original records to the JFK Collection.

Finally, there are two outstanding issues involving the Department of Justice of which you should be aware. The first involves our request that DOJ issue a subpoena to a person whom we have strong reason to believe has copies of extremely important records related to Lee Harvey Oswald that are unavailable anywhere else in the United States. (The Review Board has the authority under Section 7(j)(1)(C)(iii) of the JFK Act to request that the Attorney General issue subpoenas on its behalf.) Although DOJ heretofore has responded promptly and favorably to every subpoena request, it has not yet responded to this critical request. We are, frankly, puzzled by DOJ's reluctance to issue the subpoena in this case. We have sent an extensive briefing to DOJ but continue to await its formal response.

The other issue involving DOJ concerns the famous Zapruder film. In April of last year the Review Board advised that the film should be transferred to the JFK Collection at the National Archives. The Zapruder family has been in negotiations with DOJ regarding the cost of the film. On April 28, 1998, Chairman Tunheim, Laura Denk of our staff, and I met with Assistant Attorney General Frank Hunger regarding this issue and the potential cost of acquiring the film on behalf of the United States. Discussions will continue.

I should not neglect to mention that, once again, we profited greatly from the volunteer intern efforts of the good students of Noblesville High School who worked with us for three days in April.

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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

Enclosure