

May 29, 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 tenth 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.

Members of the Review Board look forward to speaking with you at the meeting currently scheduled for June 4 to discuss the Zapruder film. Earlier this month I sent a letter to Mr. Dan Moll that outlined some of the principal items for discussion.

Perhaps the most significant event this month was the Secret Service's decision to appeal to the President several decisions recently made by the Board. This is the first time that an agency has chosen to appeal a Board decision in over two years. Last Friday, we filed our reply to the appeal at the White House. Under the JFK Act, the President has 30 days to affirm the Board's decision or to accept the position of the Secret Service.

I am pleased to report that this month the Review Board won a victory in the United States Supreme Court. On May 18, the Court denied a petition for *certiorari* and let stand an order requiring the New Orleans District Attorney, Harry Connick, Sr., to deliver to the Review Board original records related to the assassination of President Kennedy. These records are the original files of the prosecution of Clay Shaw by the former District Attorney Jim Garrison. We are pleased to add these original, historical files to the JFK Collection. I will be going to New Orleans on June 2 to oversee the transfer of these records to the National Archives.

The Review Board met on May 12 and 13 and processed, through formal determinations and consent releases, more than 2,400 documents. The Review Board acted on more than 1,450 FBI records, 300 CIA records, and approximately 650 records from other agencies. I am also pleased to inform you that the Review Board has now completed its review of Warren Commission and House Select Committee on Assassinations (HSCA) records. Completing the records of these two prior investigations is a significant milestone in the Review Board's life.¹

In addition to processing assassination records that had been created by the HSCA and the Warren Commission, the Review Board has also made requests to federal agencies to provide additional records for our review. We have made approximately 60 such requests to the FBI. I am pleased to report that our FBI team has now completed its review of these 60 requests for information. With these requests having been completed, our staff members can now devote their time solely to the review of records, which we anticipate completing early in September.

On May 13, 1998, 17,000 pages of assassination-related FBI documents were transferred to the National Archives. This number is far below the figure of 110,000 pages that had been promised by the FBI. We have held extensive discussions with officials in the Bureau and believe that we have been able to address many of the obstacles to their work. Today the FBI is transferring another 16,000 pages. Although this number also is insufficient, we expect the pace to improve considerably during the next month. Some of your constituents from Noblesville High School will be returning in June to help the FBI complete its processing of these records that will be opened to the public shortly.

At our May meeting, the Review Board processed 315 CIA records. Although this number is low, the review of CIA records is proceeding at an increased pace. A number of records reviewed by the CIA could not be sent to the May meeting but will be reviewed by the Board at the June meeting. The review of the microfilm from the Segregated Collection has progressed significantly. Recently, material from reels 61 and 67 (of 72) was submitted by the CIA for Board review. There is still much material that must be reviewed, but currently no specific problems that might hamper the completion of the review of CIA records have been identified.

Our military records team continues its review of records from the early 1960s that the Review Board designated as assassination records. The Board processed more than 300 military records from the Army's Investigative Records Repository (IRR), including portions of the IRR's case file on Richard Case Nagell and other persons of interest to the story of the assassination.

¹ Some records containing foreign government and IRS postponements will be reconsidered for potential additional releases by the Board in August 1998.

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We continue to make progress with our Compliance Program. We have sent to the FBI and LBJ Library letters requesting that their final compliance statement be submitted by August 1. We have received Final Declarations of Compliance from the DIA, ONI, and the NSC. The White House Communications Agency has re-submitted its Final Declaration under penalty of perjury and has placed its assassination records in the JFK Collection.

We have conducted the deposition of the Sixth Floor Museum in Dallas and have identified original records and films to be copied and placed in the JFK Collection. We have an agreement in principle that the Museum will copy these identified materials and place them in the Collection. The materials to be copied include original Dallas Parkland Hospital records relating to treatment of President Kennedy, as well as films taken on the day of the assassination. We are still working on the details with the Museum. During the same trip, we completed the deposition of Ms. Anne Goodpasture, a retired CIA officer who was instrumental in identifying Lee Harvey Oswald's visit to the Soviet Embassy in Mexico City during the month before the assassination.

We have made a final designation of certain assassination records at the Criminal Division of the Department of Justice. The records include materials on the Fair Play for Cuba Committee, Vincent Lee, George DeMohrenschildt, Edwin Walker, and Yuri Nosenko.

Yesterday a staff member reviewed the papers of Abe Fortas at Yale University. Justice Fortas was a close confidante of President Johnson and there are several records in his files about his consultations with President Johnson about the assassination. We will be preparing a letter requesting that those papers relating to the assassination be copied and placed in the JFK Collection. The relevant papers include drafts of the statements submitted to the Warren Commission by President Johnson and Lady Bird Johnson, as well as materials relating to rebuttal of certain points made in William Manchester's book, *Death of a President*, regarding events in Dallas.

The Board continues its steady pace of review of Church Committee transcripts. I am pleased that the testimony of key individuals will be forwarded to the JFK Collection, including that of William Colby, McGeorge Bundy, Richard Goodwin, Harold Swenson, and Richard Cotter. The topics of these transcripts range from the investigation into the assassination, relations with Cuba, Operation Mongoose, and the assassination of President Diem.

As always, thank you for your continuing support and interest in the work of the Review Board.

Sincerely,

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T. Jeremy Gunn
Executive Director