

May 27, 1998

BY FACSIMILE

Frank W. Fountain, Esq.  
President's Foreign Intelligence Advisory Board  
Room 340  
Old Executive Office Building  
The White House  
Washington, DC 20502

Re: PFIAB Records Relevant to the Assassination of President John F. Kennedy

Dear Frank:

I am writing in response to Bill Leary's suggestion that I explain the basis for the Review Board's belief that PFIAB possesses records that are relevant for understanding the assassination of President Kennedy. I am very pleased to provide this additional explanation that, to some extent, reiterates the points we discussed in our January 17, 1998 meeting in your offices. I am also identifying some relevant statutory provisions that support the Review Board's belief that it is authorized to direct PFIAB to perform certain work under the JFK Act and that it can direct PFIAB to transfer records directly to the Review Board. While I am quite willing to provide this additional explanation for your consideration, I hope that you can appreciate the fact that no office of the U.S. government has presented as many initial obstacles to us in our work as has PFIAB. Inasmuch as we are in our last few months of work, we very much need all entities of the U.S. Government to fulfill their obligations under the law.

### **Assassination Records**

The Review Board's published regulations, issued after a notice and comment period, provide that "assassination records" include documents that have "the potential to enhance, enrich, and broaden the historical record of the assassination." 36 CFR

Frank Fountain, Esq.  
May 27, 1998  
Page 2

§ 1400.2(f). The Review Board has understood its mission to be one of opening government records on important issues surrounding the assassination so that the American people can better understand, *inter alia*, pertinent information that was known to the government before and after the assassination. The types of issues that have frequently been deemed relevant include not only documents that directly refer to the assassination—such as the PFIAB minutes from November 22, 1963—but records related more broadly to Lee Harvey Oswald, Secret Service procedures for protection of the President, the CIA station in Mexico City, NSA intercepts about the assassination, contemporary U.S. plots against Castro and the Cuban government, and several other important issues related to foreign policy during the 1962-64 period. Although there is no “bright line” that distinguishes those records that enhance the historical understanding of the assassination from those that do not, the PFIAB records that we marked fall squarely into the categories of records that the Review Board has routinely marked for processing without objection from the CIA, NSA, FBI, NSC, or DoD. I will provide some examples from the PFIAB records that have been so designated.

*Foreign government activities.* Several U.S. Government officials including, it appears, President Lyndon B. Johnson and James Jesus Angleton (CIA’s former Chief of Counterintelligence), believed that foreign governments were likely involved in the assassination of President Kennedy. While the Review Board takes no position on the merit of these beliefs, it has determined that some records related to the USSR and Cuba should be made part of the JFK Collection. Discussions by CIA Director John McCone on certain CIA activities in the USSR and Cuba, briefings by CIA officials on events in the USSR and Cuba, and evaluation of the quality of intelligence on the USSR and Cuba that reached decision makers, are all potentially relevant. Of these records, we have designated those that we believe to be particularly instructive.

*Assassinations and related covert operations in Cuba and Vietnam.* A second type of record that has been considered relevant not only by the Review Board, but by the Church Committee and the House Select Committee on Assassinations as well, are those that pertain to foreign-assassination attempts and to certain covert actions in such countries as Vietnam and Cuba. For example, many records pertaining to Operation Mongoose and the Special Group (Augmented) have been deemed pertinent by congressional committees and the Review Board. The question whether PFIAB was informed about assassination plots against Fidel Castro is important to the historical understanding of who in the government was aware that actions were being taken to assassinate a foreign leader. Further, records showing the potential complicity of U.S. officials regarding the November 1963 Diem coup and assassination have also been considered relevant. Records discussing the policies of the Kennedy Administration in 1962 and 1963, and records that might suggest a change in U.S. policy

Frank Fountain, Esq.  
May 27, 1998  
Page 3

toward Vietnam in the aftermath of the assassination, have been deemed important to a full understanding of the events.

*Coordination of efforts among intelligence agencies.* A third type of record that has been of interest to the Review Board concerns the coordination among intelligence agencies and the internal workings of the intelligence agencies. President Kennedy's threat to dismantle the CIA in the wake of the failed Bay of Pigs invasion previously has been explored as relevant to subsequent activities of the intelligence community and the intelligence community's having failed to prevent the assassination. Information concerning PFIAB's recommendations to President Kennedy on the intelligence community in the wake of the Bay of Pigs and the Cuban Missile Crisis, PFIAB's recommendations to President Lyndon Johnson on strengthening the capabilities of the intelligence community, and information on levels of cooperation and coordination among the agencies of the intelligence community typically have been considered relevant by the Review Board.

*Defectors to Iron Curtain countries.* Finally, records from the 1962-1964 period on defectors, counterintelligence operations, and Soviet listening operations at the U.S. Embassy in Moscow have all been considered relevant by the Review Board. Information that might shed light on the possibility that Lee Harvey Oswald was in the Soviet Union as an asset of the military or CIA has been deemed relevant. It is important to know what information about Oswald's visits to the U.S. Embassy in Moscow the Soviets might have gleaned from their electronic surveillance. PFIAB's discussions of U.S. counterintelligence programs, operating concurrently with Oswald's two-year residency in the Soviet Union, are relevant to an understanding of the historical period.

To the extent that you have questions about particular records that we have designated, we would be pleased to discuss them with you further.

### **Statutory Authority of the Review Board**

The JFK Act empowers the Review Board to:

“(A) direct Government offices to complete identification aids and organize assassination records;

“(B) direct Government offices to transmit to the Archivist assassination records as required under [the JFK Act and]

Frank Fountain, Esq.  
May 27, 1998  
Page 4

“(D) direct a Government office to make available to the Review Board . . . additional information [and] records . . . which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this Act . . . .”

44 U.S.C. § 2107.7(j)(1).<sup>1</sup> Furthermore, the Review Board is authorized to direct government offices, including PFIAB, to “transfer records [to the Review Board] for purposes of conducting an independent and impartial review . . . .” 44 U.S.C.

§ 2107.5(b)(1). It should additionally be noted that the JFK Act provides that it is the “sense of Congress” that “all Executive agencies should cooperate in full with the Review Board to seek the disclosure of all information relevant to the assassination . . . .” 44 U.S.C. § 2107.10(b)(3). It is the Review Board’s position that, pursuant to these statutory provisions, it is empowered to require PFIAB to prepare record identification forms, transfer records to the National Archives, and send records (or copies) directly to the Review Board for its impartial review of the records.

If you or your staff has any questions concerning the processing of the PFIAB records, please feel free to contact either Michelle Combs or me.

Sincerely,

T. Jeremy Gunn  
Executive Director

cc: William F. Leary  
National Security Council

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<sup>1</sup>The JFK Act applies to “any . . . executive branch office or agency, and any independent agency.” See 44 U.S.C. § 3(5)(E).