

July 24, 2017

VIA FACSIMILE and FIRST-CLASS MAIL

RADM Lowell E. Jacoby, USN
Commander, Office of Naval Intelligence
4251 Suitland Road
Washington, D. C. 20395-5720

Re: Office of Naval Intelligence Compliance with the JFK Assassination Records Collection Act,
44 U.S.C. § 2107

Dear Admiral Jacoby:

I am writing in order to help establish procedures for ensuring that the Office of Naval Intelligence complies with the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"). Under the JFK Act, all agencies and departments of the United States government are required to conduct searches for records related to the assassination of President Kennedy and to declassify those records to the greatest extent possible. Congress created the Assassination Records Review Board for the purposes of overseeing the process and of ensuring that all agencies have complied with the JFK Act.

The Review Board has had direct liaison dealings with officials within the Department of Defense General Counsel's Office as well as with the Navy's Office of General Counsel. Through these offices, we established initial contact with LCDR R. D. Bastien of your staff, who has been helpful and cooperative in our work. However, due to some difficulties that are inherent in the divisions of responsibility between the Navy and ONI, we cannot be certain whether all relevant ONI work has been completed. Because we believe that we have reasonably accounted for all Navy records related to the assassination except for those of ONI, we believe that it is now essential to establish a direct liaison relationship with ONI. (In a January 29, 1998 meeting with Supervisory Analyst Douglas Horne of our staff, LCDR Bastien of your staff opined -- and Mr. Horne agreed -- that it would be advisable for the Review Board to deal directly with ONI rather than through the Navy. [We regret any inefficiency or misunderstandings that may have resulted from failure to have done so earlier. Does this really need to be said? Is it our fault?])

RADM Lowell E. Jacoby, USN

July 24, 2017

Page 2

Accordingly, I am writing to request that you formally designate an ONI Agency Compliance Official to handle JFK Act matters. Fortunately, ONI already has begun the work of searches and declassification and we have had three separate meetings with ONI personnel. Nevertheless, we believe that because of the unique nature of intelligence work, it would be preferable that relieve Navy's OGC be relieved of responsibility for searches of ONI's Record Group 289 and that your designated Agency Compliance Official be responsible for ensuring the completeness of this work.

Once you identify your designated appointee, our Compliance Officer, Associate General Counsel Ronald Haron, will discuss with that individual the details of our Compliance Program. Unless we hear from you to the contrary, our staff will continue to work technical issues with LCDR Bastien.

The Review Board is a temporary, independent agency whose life span expires on September 30, 1998; accordingly, it is important that our unresolved business with ONI be resolved as expeditiously and cooperatively as possible. We thank you and your staff for your cooperation to date and I look forward to hearing from you or your representative by April 4.

Sincerely,

T. Jeremy Gunn
Executive Director

Enclosures

cc: LtCol M. E. Finnie, USMC (Navy OGC)
Stewart F. Aly (DOD Associate Deputy General Counsel)

RADM Lowell E. Jacoby, USN

July 24, 2017

Page 3

Should any of this be kept?

Although the Review Board staff commenced contact with the Department of Defense through its OGC in October of 1995, and a LtCol John E. Sparks, USMC (Military Assistant to the Navy General Counsel) was appointed to coordinate the Navy's overall JFK Act compliance with the Review Board, it was not until late 1996 that the Review Board began to establish a formal Compliance Program, in which we requested each Agency of the Executive Branch, and each component of the Armed Forces, to formally designate, by name, an Agency Compliance Official for dealings with the Review Board. On December 27, 1997, Navy General Counsel Steven G. Honigman signed out a letter designating LtCol Michael E. Finnie, USMC as the Agency Compliance Official for Navy and Marine Corps records within the terms of the JFK Act, and also indicated the Navy would comply with the compliance procedures outlined in our boilerplate compliance letter of December 6, 1996.

LtCol Finnie (of Navy OGC), through his diligent efforts, has substantially satisfied most of the Review Board's requests for searches and we have been pleased with his performance. However, in hindsight, it appears it may have been wiser for us to establish a separate compliance program with ONI, such as we did with the Defense Intelligence Agency.