

May 26, 1998

Mr. Frank Fountain
Counsel
President's Foreign Intelligence Advisory Board
Old Executive Office Building--Room 340
Washington, DC 20502

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

Dear Mr. Frank:

I am writing in response to a message I received from Bill Leary at the National Security and in response to Chairman Rudman's _____ letter to White House Counsel Charles F.C. Ruff. I am sending this letter in an attempt to help clarify the general guidelines used by the Assassination Records Review Board in determining the relevance of records related to the assassination of President Kennedy.

The Review Board's published regulations provide that "assassination records" include documents that have "the potential to enhance, enrich, and broaden the historical record of the assassination." 36 CFR § 1400.2(f). The Review Board's mission is not to "solve" the assassination, but to release government records on important issues surrounding the assassination so that the American people can better understand the content of the government's files on issues related to the assassination. As we discussed in our meeting in your offices on January 27, 1998, 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, the Secret Service procedures for protection of the President, the CIA station in Mexico City, NSA intercepts about the assassination, 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 at other agencies such as CIA, NSA, NSC, and DOD. The PFIAB records that we have designated as assassination records contain information on subjects previously

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determined by the Review Board to be relevant to an understanding of the assassination and the historical events surrounding the assassination. I will provide some examples from the records that have been so designated.

Foreign government involvement. Several US government officials including, it appears, President Lyndon Johnson and James Jesus Angleton (CIA's former Chief of Counterintelligence) believed that foreign governments were involved in the assassination of President Kennedy. While the Review Board takes no position on the merits of these beliefs, it has determined that some records related to the USSR and Cuba should be made part of the JFK Collection at the National Archives. Thus, records concerning intelligence collection and other activities by the US Government against the USSR and Cuba during the 1962-1963 time period are relevant to an understanding of the events surrounding the assassination. Discussions by CIA Director John McCone on CIA activities in the USSR and Cuba, any briefings by CIA officials on events in the USSR and Cuba, or any evaluation as to the quality of intelligence on the USSR and Cuba reaching decision makers, such as are prevalent in the PFIAB minutes, are therefore considered relevant.

Assassinations and related covert operations in Cuba and Vietnam. A second type of information which has been considered relevant by the Review Board is the discussion of assassinations or covert actions in Vietnam and Cuba. For example, all records pertaining to Operation Mongoose and the workings of the Special Group Augmented of the National Security Council have been considered pertinent by the Review Board. Whether or not the PFIAB was informed as to the assassination plotting against Fidel Castro is important to an historical understanding of the period. Further, any records on the possibility and then the actuality of the Diem coup and assassination have also been considered relevant. The question as to whether the CIA had any involvement in the Diem coup is both relevant and historically necessary to an understanding of US actions. Thus records discussing the policies of the Kennedy administration in 1962 and 1963, and any records which that might suggest a change in US policy toward Vietnam in the aftermath of the assassination, are considered important to an understanding of events.

Coordination of efforts among intelligence agencies. A third type of record that has been of interest to the Review Board is information concerning the coordination of efforts among intelligence agencies and the workings of the intelligence agencies. President Kennedy's very real threats of 1961 to dismantle the CIA are sometimes used as evidence supporting an intelligence-community inspired plot. Conversely, accusations about incompetence within the intelligence community's having failed to prevent the assassination have also been leveled. Therefore, information concerning PFIAB's recommendations to President Kennedy on the intelligence community, particularly those in

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the wake of the Bay of Pigs and the Cuban Missile Crisis, recommendations to President Lyndon Johnson on strengthening the capabilities of the intelligence community, and information on levels of cooperation and coordination between the agencies of the intelligence community, would be and have been considered relevant by the Review Board.

Defectors to Iron Curtain countries. Finally, 1962-1964 records on defectors, counterintelligence operations, and Soviet listening operations have all been considered relevant by the Review Board. Information that might shed light on the possibility that Lee Harvey Oswald could have been sent to the Soviet Union as an asset of the military, CIA, or even CIA Counterintelligence Chief James Angleton, has all been considered relevant. Thus PFIAB discussions of US counterintelligence programs during the period 1962-1964 would be considered relevant to an understanding of the historical period. In addition, what the Soviets might have known about Oswald and his travels can be surmised by researchers given access to information on the extent of the Soviet audio penetration of the US Embassy in Moscow which existed from at least 1953 to 1964.

I should re-emphasize that the Review Board takes no official position on any of these theories. Its statutory mandate is simply to ensure that relevant records, broadly understood, are made available to the public.

Because we have identified several PFIAB records as relevant to the assassination, we are authorized 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]
- (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). 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.

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§ 2107.5(b)(1). It is the Review Board's position that, pursuant to these statutory provisions, it is empowered to require PFIAB to prepare identification forms, transfer records to the National Archives, and send the records directly to the Review Board for its impartial review of the records.

If you or your staff have 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