

September 19, 1997

BY FACSIMILE AND FIRST-CLASS MAIL

Mr. Taylor W. Lawrence
Staff Director
Senate Select Committee on Intelligence
211 Hart Senate Office Building
Washington, D.C. 20510-6475

Re: Identification and Review of Church Committee Records Pursuant to the
JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Mr. Lawrence:

I am writing to summarize our current understanding of the status of efforts by the Senate Select Committee on Intelligence ("the SSCI") to comply with the obligations created by the JFK Assassination Records Collection Act, 44 U.S.C. § 2107 ("JFK Act"). Our particular interest pertains to identifying and releasing JFK assassination records of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities ("the Church Committee") that were collected and preserved as supporting documentation for the multi-volume Church Committee Report. The JFK Act specifically emphasizes that the Church Committee files are a significant source of assassination-related records. *See* 44 U.S.C. § 3(2)(C).

As you know, we have been working with you to ensure that all materials of the Church Committee relating to the assassination of President Kennedy are released.

I would like to acknowledge the work and efforts that have been undertaken by your Committee, in cooperation with several federal agencies, in providing the National Archives and Records Administration ("NARA") with Church Committee materials relating to President Kennedy's assassination and making those materials available to the public. This work was described in your March 7, 1997 letter to the Review Board. We understand that there are approximately 40 archival boxes of publicly available Church Committee materials now in the JFK Assassination Records

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Collection ("JFK Collection") at NARA. In addition, we would like to thank you and Mr. Wolfe for the release of certain Church Committee transcripts on an expedited basis, and we are in the process of obtaining agency approval to release those transcripts to the public.

We continue to seek to ensure that all relevant Church Committee records have been conscientiously surveyed and that all relevant documents have been identified and reviewed under the terms of the JFK Act. In addition to the potentially relevant Church Committee records related to domestic intelligence activities in the early 1960s, we are at this time particularly interested in locating all relevant supporting documentation for the following Church Committee report volumes:

"The Investigation of the Assassination of President Kennedy: The Performance of the Intelligence Agencies" (Book V, May 1976);

"Alleged Assassination Plots Involving Foreign Leaders" (Interim Report, November 1975);
and

"Addenda to Interim Report," (contained in Book IV, April 1976).¹

There are several additional matters, however, that should be addressed in order to ensure that the SSCI fulfills its obligations under the JFK Act. Those matters are set forth below.

First, the SSCI should provide the Review Board with the opportunity to determine whether the redactions contained in Church Committee assassination records are appropriate under the JFK Act.

The Church Committee records that have been forwarded to NARA contain redactions (or "postponements" in the terminology of the JFK Act). The Review Board must review unredacted versions of these records and make formal determinations regarding the postponements. Therefore, we request that all redacted documents (as well as their unredacted versions) be made available to the Review Board so that it can make its formal determinations. It is our understanding that the SSCI has a collection of the redacted materials showing the redactions in highlighted form. We would like to obtain access to this collection by October 15, 1997, so that the Review Board can begin its review work.

¹Throughout this letter, we will refer to Book V as the "JFK Report" and to the interim report and its addenda as the "Foreign Assassinations Report."

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Second, the SSCI should release certain testimony cited in the Church Committee's JFK Report and the Foreign Assassinations Report. We have identified testimony cited in the JFK Report (Book V) as well as testimony cited in the Foreign Assassinations Report pertaining to Cuban President Fidel Castro (pages 71-190), South Vietnamese President Diem (pages 217-223), and to Patrice Lumumba of the Congo (pages 13-70),² that have not yet been placed in the JFK Collection at NARA. For example, our review of materials in the JFK Collection has confirmed that numerous transcripts of key FBI and CIA officials cited in the JFK Report are not at NARA.³

In order to assist you in this effort, we are enclosing a master list identifying testimony, including affidavits, interviews, and transcripts, cited in these reports but not yet opened to the public. In addition, we have found references to related testimony that, although not cited in the reports, may be relevant to the assassination and should be inspected for possible release. The enclosed list is in alphabetical order by last name of witness or, where the witness name is unavailable, by job title. For each item of testimony referenced, we have attempted to identify whether it was cited in the JFK Report or the Foreign Assassinations Report. See enclosure hereto entitled, "List of Church Committee Testimony That Has Not Been Released Under the JFK Act." The first priority should be to release the testimony that is referenced in the Church Committee's Report regarding the JFK assassination.

²Unless the SSCI has information to the contrary, we presume all testimony referenced in the JFK Report and in the Foreign Assassinations Report on Cuba and Vietnam to be assassination-related. With respect to the testimony cited in the section of the Foreign Assassinations Report pertaining to Patrice Lumumba, we do not presume that these transcripts are assassination records, but believe they should be inspected to determine if there is any testimony that would enhance the historical understanding of the Kennedy assassination. We take the same position with respect to the transcripts of certain CIA officials whose testimony on special operations is cited and discussed in the Addenda to the Foreign Assassinations Report.

³The opening of these records, which are directly relevant to the Kennedy assassination, is essential to accomplishing the purposes of the JFK Act. The SSCI was asked to release this testimony under the JFK Act over two years ago—in April 1995. See April 17, 1995 letter from Steve Tilley of NARA to Charles Battaglia of the SSCI.

Third, the Review Board seeks to identify any other assassination records of the Church Committee or Senate Select Committee. In view of the fact that testimony relating directly to the assassination of President Kennedy has not been released, the Review Board is concerned that the SSCI's search for records has not been adequate to identify all possible assassination-related records.⁴ Accordingly, we believe that a more thorough accounting of Church Committee records is necessary to ensure full compliance with the JFK Act. Furthermore, we believe it would be beneficial for the Review Board to participate more actively in the review of Church Committee records and in the identification of records relating to the assassination.

At present, the Review Board considers itself handicapped in attempting to verify that all relevant assassination-related materials have been identified by the SSCI. The SSCI has not provided the Review Board with any of the finding aids or indices that necessarily must be available for these records. Nor has the SSCI allowed the Review Board staff to inspect the original Church Committee holdings in secured storage at NARA. We have not even been able to obtain an authoritative list of Church Committee witnesses (including witnesses who testified before the Committee, witnesses who were deposed, and witnesses who were informally interviewed). We had previously requested such a list (*see* February 26, 1997 letter from T. Jeremy Gunn to James Wolfe).

Pursuant to 44 U.S.C. § 2107(7)(j)(C)(ii), *the Review Board therefore requests access to all finding aids and indices to Church Committee records* to assist it in inventorying adequately the original Church Committee holdings and in making certain that all assassination-related records are identified and designated for public release. Additionally, because of the volume of files and difficulty of identifying assassination records, we think it would be helpful for all parties if the Review Board staff

⁴We have been unable to ascertain whether there may exist other Church Committee records, not cited in the Reports or otherwise identified, that are relevant to the assassination. To date, we have relied exclusively on the review and identification of assassination records by the SSCI. But, as we have demonstrated, major categories of records directly relating to the assassination have not been identified and released by the SSCI. For this reason, the Review Board wants to make certain that all major categories of Church Committee records have been adequately inventoried for assassination materials. For example, it is our understanding that there is Church Committee testimony maintained on microfilm; that there are executive session hearings of the Church Committee not in the JFK Collection; and that there may be additional records relating to the assassination generated by the SSCI after publication of the Church Committee reports. We also believe there may be testimony and records relating to the Church Committee's Report on domestic surveillance (Books II and III) that are relevant to the assassination.

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were to have access to the original Church Committee records. We are willing to make whatever arrangements may be necessary to accomplish this but we believe, in discharging our responsibility, it is highly desirable that we be permitted to inspect the entire, original set of Church Committee records. Finally, we request that the person(s) most knowledgeable about the Church Committee records and the search of those records under the JFK Act be made available to speak with us about the existence, identity, and location of the original Church Committee files.

To the extent that you would like to discuss any of these matters, we would be pleased to visit you in your offices or to discuss them by phone. Again, we appreciate your continued cooperation in our efforts with you to ensure that the goals of the JFK Act be fulfilled.

Sincerely,

T. Jeremy Gunn
General Counsel

Enclosure

cc: James Wolfe, Director of Security