

BY HAND DELIVERY

May 1, 1998

Ms. Carol Keeley
Chief, Historical and Executive Review Unit
Federal Bureau of Investigation
10th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20536

Re: FBI Compliance with the JFK Assassination Records Collection Act

Dear Carol:

Thank you for meeting on April 9 with Laura Denk, Kevin Tiernan, and I to discuss the contents and submission of the FBI's Final Declaration of Compliance under the JFK Assassination Records Collection Act, 44 U.S.C. § 2107 ("JFK Act").

In our meeting, we agreed that the FBI will submit its Final Declaration to the Review Board by August 1, 1998. In addition, we understand that the FBI will undertake the following as part of its efforts to demonstrate that it has diligently searched for all records relating to the assassination of President Kennedy:

1. Documentation for Main Files on the Kennedy Assassination. The FBI will include with its Final Declaration copies of the index cards that it has maintained and that identify main FBI files for the following assassination-related subjects: Lee Harvey Oswald, Marina Oswald, Jack Ruby, and John F. Kennedy. The FBI will include copies of these index cards from FBI Headquarters, and from the Dallas, New Orleans, Mexico City, and Washington, D.C. field offices.
2. Documentation of ELSUR Searches. The FBI will also include with its Final Declaration the search results for any ELSUR (electronic surveillance) relating to the four subjects listed above (*i.e.*, Lee and Marina Oswald, Jack Ruby, and John F. Kennedy).¹ In

¹ Because there may be numerous miscellaneous references to President Kennedy in electronic surveillance conducted by the FBI on persons wholly unrelated to the events of the assassination, we recommend that you limit the disclosure of any ELSUR search results on President

addition, please describe in the Final Declaration, in layman's terms, what ELSUR records were identified by the FBI's searches.

3. Documentation of Work Under the JFK Act. To document its efforts to comply with the JFK Act, the FBI previously agreed that it would place in the JFK Collection relevant portions of its JFK Act administrative file (HQ 62-102905). The Review Board staff previously agreed to review the file and to designate particular records as assassination records. In addition, the FBI has slated for processing its tickler file that the Bureau used to identify FBI files previously made available to the House Select Committee on Assassinations and currently being processed under the JFK Act (the "HSCA Subjects").

4. Files on the Assassination That May Not Be Identified by the CRS Index. The files on the assassination identified by the FBI under the JFK Act are its official, master files identified through a search of the FBI's Central Records System ("CRS") index. We request, however, that the FBI undertake to conduct a reasonable inquiry to determine whether it has any significant record holdings on the Kennedy assassination that may not have been indexed under the CRS. For example, we ask that the FBI check with the relevant FBI divisions, such as the General Investigative Division, the Domestic Intelligence Division, the Crime Records Division, the Special Investigative Division, the Laboratory Division, and the Inspection Division, to determine whether they separately maintained any files on the Kennedy assassination. In addition, we recommend that the FBI consult with its archive office (referenced in the FBI's initial compliance statement) to ascertain the existence of any separate, unofficial files relating to the Kennedy assassination.

Kennedy to discussions regarding the assassination, threats against President Kennedy, and, in addition, references to President Kennedy for the years 1960 through 1965.

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As part of this inquiry, the FBI should account for any assassination records that may have been separately maintained by, or for, top FBI officials with responsibility for investigating the assassination.² When we discussed files of top level officials at our meeting, you said that you did not know whether any such files are maintained by the FBI. The Review Board requests that any existing work or tickler files of the relevant high-level FBI officials be identified and reviewed for files on the assassination. (The specific officials are identified in our letter of January 22, 1997 to you). Please understand, however, that we are *not* requesting the FBI to review every piece of paper from the 1960's that may have been maintained by such officials. Rather, we request that the FBI locate any separate, readily identifiable *files* on the JFK assassination that may have been created and maintained by those high-level FBI officials investigating the assassination (irrespective of whether such files are identified by the CRS).³

Accordingly, please confirm in the Final Declaration that the FBI has made a diligent search for non-official files on the Kennedy assassination (including any files kept by relevant FBI officials) that may not be identifiable through the CRS index. If the FBI locates any such files, the FBI should of course process them under the JFK Act.

5. Search of Additional Indices. At our meeting, we had inquired as to the nature of additional FBI indices and whether they would disclose information not available through the CRS (these indices were listed in my March 2, 1998 letter to you). To the extent that these indices are merely duplicative of the CRS index, and provide no other information, please note that in the compliance statement. If any of these indices identify the existence of other records or disclose other information not available through the CRS, then we request that those indices be searched for key assassination-related topics (*i.e.*, Lee and Marina Oswald,

² As you know, we first raised the question of whether the FBI maintains files of former top-level officials in early 1997, and we had requested that any such files be searched for assassination records. *See* Jan. 22, 1997 Letter from P. Golrick to C. Keeley.

³ Although not raised at our meeting, we request that the FBI state in the Final Declaration what it has done to locate assassination-related materials that apparently were in the possession of FBI Director Hoover. These materials were referenced in an index that the FBI prepared of Director Hoover's records, as well as being identified on one of the index cards that were maintained for Hoover's records. We previously had asked the FBI previously to locate these materials. *See* April 22, 1997 Letter from D. Marwell to C. Keeley.

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Jack Ruby, and John F. Kennedy) and that the search results be reported in the Final Declaration.

6. Information Regarding Destruction of Records. You stated that you would check to see whether you could obtain any further information regarding the destruction of miscellaneous records on Oswald and Ruby from the Dallas office (so-called "see" references for Oswald and Ruby). Any additional information regarding this destruction should be included in the Final Declaration.

Thank you again for your cooperation, and please feel free to contact us if you have any questions or wish to discuss these matters further.

Sincerely,

Ronald G. Haron
Associate General Counsel

cc: T. Jeremy Gunn
Laura Denk
Kevin Tiernan