

August 12, 1997

The Honorable Dan Burton
Chairman, Committee on Government Reform and Oversight
2185 Rayburn House Office Building
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

On behalf of the Assassination Records Review Board, I would like to thank you for your leadership in ensuring that the Board received the one-year extension that we requested to complete our work and to submit a comprehensive final report to the Congress and the President. We are confident that this additional time will ensure that the historical record of the assassination of President John F. Kennedy is as complete as possible and available to the American public.

As I know you are aware, the Committee on Government Reform and Oversight report on H.R. 1553 (now P.L. 105-25) that extended the authorization of the Review Board until September 30, 1998, directed the Board to report, by letter, to the Committee on the status of its progress. The report further stated that the information from the Board should be provided to the Committee on a monthly basis following the enactment of H.R. 1553. Please consider this letter the Review Board's first monthly progress report.

The Board continues to make good progress toward completing its mission by the end of FY98. We have spent a great deal of time and effort in revising and streamlining our procedures—an undertaking that will result in a considerable improvement in our ability to process large quantities of records. In this letter, I will describe some of the significant achievements of the last month. In this and future reports, I hope to keep you fully informed of our progress toward a successful completion of our efforts.

At a July 9 closed meeting, the Review Board voted on approximately 1,000 CIA records that contain issues relating to the names of CIA personnel. This issue has proven to be one of the most difficult and sensitive that the Board and the Agency have addressed. The challenge for the Board has been, and will continue to be, balancing the presumption of disclosure under the JFK Act and the public's

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right to know against the obligation to ensure that current or retired CIA personnel are not harmed. After several CIA briefings and careful consideration, the Board made determinations on records that involve the names of a number of CIA employees (current and retired). The Board members believe that, with these decisions, it has met its obligations under the Act. The Board will continue our dialogue with the CIA concerning several names, the disclosure or non-disclosure of which remains unresolved pending the Agency providing additional information to the Board.

During the last week of July, the Review Board staff hosted an unprecedented meeting of several federal agencies (State Department, CIA, National Security Council, Joint Staff Secretariat, Department of the Army, Office of the Secretary of Defense, and the US Information Agency) to declassify thousands of military records in which these agencies have equities. The Board determined that these joint meetings would be the most efficient and effective manner in which to declassify these important records. The week-long meeting proved to be a success and an important precedent for the Board, as well other agencies faced with records scheduled for declassification. The stage is now set for the declassification of these records which will enhance the historical record of the assassination.

As you will recall, under the Review Board's compliance program, all federal agencies must demonstrate that they have complied with the mandates of the JFK Act. The results of the compliance program will be part of the Board's final report. To date, the Review Board has received final certifications from a number of federal agencies attesting, under oath, that they have completed their record searches for materials relating to the assassination of President Kennedy and that they otherwise have fully complied with the President John F. Kennedy Assassination Records Collection Act ("JFK Act"). Final certifications of compliance have been submitted by Bethesda Naval Hospital; the Armed Forces Institute of Pathology; certain components of the Department of the Army (namely, the Criminal Investigative Command and the Central Security Facility); the Customs Service; the Bureau of Alcohol, Tobacco & Firearms; the Civil Rights Division of the Department of Justice; and the Postal Service. Almost all other relevant agencies, including the major agencies such as the FBI, the Secret Service, the Department of Defense, the National Archives and Records Administration (including the Presidential libraries) (NARA), the State Department, the Immigration & Naturalization Service, the Navy, and other Divisions of the Department of Justice have submitted interim reports regarding their compliance with the JFK Act. The Review Board staff has been reviewing these reports and meeting directly with these agencies to suggest follow-up work necessary for them to complete their obligations under the JFK Act. Final certifications will be submitted by these agencies in the coming months. With respect to the CIA and the National Security Agency (NSA), the Review Board staff has been working with them directly, and we anticipate compliance statements from these agencies later in the year.

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Final processing of the first group of NSA documents was completed during the first week of August.

These documents will be delivered to NARA for inclusion in the JFK Collection and will be available to the public. Processing on the second group of NSA documents continues, and these documents will be made available in the fall.

NARA archivists have completed the processing of the Clay Shaw papers, the acquisition of which was announced by Board Chairman John Tunheim at the Subcommittee on National Security, International Affairs and Criminal Justice hearing that was held on June 4, 1997. These materials will be made part of the JFK Collection and become available to the public by the end of September.

Board staff review of the "Segregated Collections" of the CIA and the FBI has continued during the summer months, setting the stage for the Board to make determinations on large blocks of these records during meetings scheduled for the fall. Staff recommendations will be the basis for Board determinations that in turn will set precedents for the later review of other documents in the respective Segregated Collections. During the month of July, 1997, the Review Board staff reviewed a large number of files and documents that the FBI provided in response to the staff's requests for additional information and records. The vast majority of these records have not been reviewed before by any committee that has investigated the assassination of President John F. Kennedy. The staff reviewed documents from over 160 FBI files and located records that it believes should be included in the JFK Assassination Records Collection at NARA. In addition to its review of these files that the FBI produced in response to the staff's requests for additional information, the staff prepared 250 FBI documents for presentation to the Review Board and reviewed another 100 documents and discussed outstanding issues with the FBI staff.

The Review Board appreciates the Committee's interest in its work and the opportunity to report regularly on our progress. Please do not hesitate to have a member of your staff contact me if you have any comments or questions. I can be reached at 724-0088, ext. 232.

Again, thank you for your leadership and support that ensured the Board will have sufficient time to complete its work.

Sincerely,

David G. Marwell
Executive Director