

July 21, 1997

Mr. Michael J. Kurtz
Assistant Archivist for Records Services - Washington, D.C.
National Archives at College Park
8601 Adelphi Road
College Park, Maryland 20740-6001

Dear Mr. Kurtz:

Thank you for your letter of May 16, 1997, in which you indicate that the National Archives and Records Administration (NARA) would not "engage in or sponsor any testing" that would result in the altering of evidence in the JFK Collection.

First, let me make clear that the Assassination Records Review Board did not request such testing, and that we agree that it is not within the mandate of NARA to sponsor or conduct such testing. The Review Board first became involved in this issue after we learned that the Criminal Division of the Department of Justice had requested that the FBI "initiate an inquiry into specific aspects" of an "assassination theory" offered by a Department of Justice employee (operating in a private capacity). The objects of the requested FBI inquiry were "collected bullet fragments and residue now in the possession of the Federal Government." Upon learning of the request, the Review Board immediately contacted the FBI and the Criminal Division to ensure that any testing of the evidence be carefully considered and appropriately documented.

Although the Review Board did not initiate the question of the testing of the ballistic evidence, we did become aware of one important fact in the course of reviewing the materials submitted by the Department of Justice. Through our research, we learned that the September 8, 1978 Report of the Firearm Examination Panel for the House Select Committee on Assassinations (September 1978 report), as submitted to the Committee, stated that "the white fibrous material adhering to CE 567 (seat fragment) should be subjected to micro-chemical analysis to determine its composition." However, the Report of the Firearm Examination Panel, as reproduced in the Volume VII, Medical and Firearms Evidence, Report of the Firearms Panel, of the House Select Committee on Assassinations' Final Report, issued in March 1979 (March 1979 report), contained no reference to the panel recommendation regarding CE 567.

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In an effort to gather additional background regarding the recommendation made by the Firearm Examination Panel and attempt to determine why the recommendation was not contained in the final report of the HSCA, the Review Board contacted all four members of the panel, the panel's technical advisor and an HSCA staff person involved in the editing of the final report. The following persons were interviewed:

Mr. John S. Bates, Jr., panel member
Donald E. Champagne, panel member
Monty C. Lutz, panel member
Andrew Newquist, panel member
George Wilson, technical advisor to the panel
Helen Whitney Watriss, HSCA staff

None of the individuals interviewed had any recollection of or information about the deletion of the recommendation for additional testing on CE 567 from the HSCA's final report. Only Mr. Lutz stated that he specifically recalled the panel including the recommendation in the panel's September 1978 report, but, like the other panel members, he had no information on why it was not included in the HSCA's final report. Needless to say, the recommended testing on CE 567 has never been undertaken.

As you know, the Assassination Records Review Board has not been charged with investigating or reinvestigating the assassination of President Kennedy. We have, however, interpreted our mandate to include clarifying existing evidence when possible by taking prudent steps to eliminate ambiguities and to answer open questions. In this spirit, the Review Board believes that an examination of CE 567 should be undertaken for the following reasons:

First, the Firearms Examination Panel of the House Select Committee on Assassinations recommended the analysis nearly 19 years ago and for unknown reasons the recommendation of the Firearms Examination Panel of September 1978 was deleted from the published March 1979 report;

Second, the analysis that is being discussed is limited and defined in scope. The bullet

fragment and adhering fiber will be altered, but will not be destroyed in testing. Comprehensive microphotography of CE 567, prior to testing, will ensure that its present condition is documented. Documentation of the testing procedures would also become an important part of the historical record; and

Third, according to the FBI, the artifact is deteriorating. The opportunity to clarify the nature of the substance that is adhering to CE 567 could be lost forever if it is not undertaken now.

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The Review Board is seeking to fulfill its mandate to make the record of the assassination of President Kennedy as complete as possible for the American public. Given the history of CE 567 with regard to the HSCA Firearms Examination Panel recommendation and its subsequent deletion from the March 1979 report, failure to take this limited step to clarify this open question will, once it is made public, serve to erode the efforts that have thus far been made to ensure that the record of the assassination is accessible and complete. In addition, given that significant attention has been devoted to this issue by four Federal agencies (NARA, DOJ, FBI, and ARRB), failure to undertake the limited testing of CE 567 could further cast doubt on the Federal government's willingness to clarify the historical record.

The Review Board is fully aware of NARA's responsibility to preserve the records that are in its custody. Failure to perform the non-destructive examination outlined in this letter would, however, preserve an open and provocative question. The speculation that would surely result from this unfinished business is clearly not in the public interest. We urge you to permit the requested examination and work with us to ensure that it is well documented and complete.

Thank you for your time and attention to this important matter. I look forward to hearing from you in the near future to fully discuss how to proceed in the most effective and efficient manner.

Sincerely,

David G. Marwell
Executive Director