

## Review Board Requests Extension, Oversees Important New Releases

### Introduction

The Assassination Records Review Board has been involved in many interesting activities since I addressed you in this column last fall. Most notably, on March 3, 1997, the Review Board recommended a one-year extension of its mandate through September 30, 1998. In its Fiscal Year report to the President and Congress, the Review Board explained that the additional year was necessary to complete its review of the extensive FBI and CIA files collected in response to requests from the House Select Committee on Assassinations. The additional year would also permit the Review Board to make other records available, including records now in private hands and in the custody of foreign governments. I am pleased to inform you that the President has agreed with the Review Board recommendation and has requested appropriate funding in his FY 1998 Budget. Congressional reaction to the Review Board recommendation has been favorable so far. The decision to extend the Review Board now rests with Congress.

### Recently Released Records

The Review Board has continued its mission of making all government records concerning the assassination of President Kennedy available to the public by acting to release thousands of documents and other records. Among the most recent and notable actions concerns the film of the assassination taken by Abraham Zapruder.

### The Zapruder Film

The Review Board, on April 24, 1997, unanimously approved a Statement of Policy and Intent regarding the Zapruder film.

In its Statement of Policy and Intent the Review Board made the following resolutions:

- *Resolved, that the Zapruder film is an "assassination record" within the meaning of the President John F. Kennedy Assassination Records Collection Act of 1992;*
- *Resolved, that the Review Board will do all in its power to ensure that the best available copy of the Zapruder film shall become available to the public at the lowest reasonable price;*
- *Resolved, that the Review Board offers to work cooperatively with LMH Company to: (a) make the best possible copy of the Zapruder film to be placed in the National Archives and Records Administration for scholarly and research uses, (b) to establish a base reference for the film through digitization, and (c) to conduct all appropriate tests to evaluate authenticity and to elicit historical and evidentiary evidence; and*

- *Resolved, that the Review Board intends to exercise its authority, as formulated in its enabling legislation, to direct that the film be transferred, on August 1, 1998, to the John F. Kennedy Assassination Records Collection at NARA, and that the Review Board will work with Congress to resolve this issue.*

### **Notes Taken by James Hosty**

In March the Board announced that it had acquired original handwritten records from James P. Hosty, Jr. Among the records Mr. Hosty donated are notes that he claims he took during his interrogation of Oswald on November 22, 1963. Mr. Hosty also donated his handwritten notes of his interview with Mrs. Ruth Paine. These materials are now a part of the JFK Collection at the National Archives.

### **FBI Withdraws Pending Appeals**

The FBI is the only agency to have appealed Review Board formal determinations. The issues on appeal were briefed vigorously by the Review Board and the FBI. We are now pleased to report that in late March the FBI withdrew all of its pending appeals to the President opposing Review Board decisions to release previously classified information in 110 documents (including duplicates) pertaining to the assassination.

The Review Board voted to release the FBI documents at issue during meetings conducted from May through November 1996. The FBI did not brief these appeals pending a Presidential decision on the 21 earlier appeals that had been fully briefed. The FBI withdrew appeals on those 21 documents on December 13, 1996.

In a letter to White House Counsel Charles Ruff, FBI General Counsel Howard Shapiro notified the White House that the FBI was withdrawing all outstanding appeals opposing the release of information in the documents that had previously been classified as "Secret." In his letter, Shapiro said that the FBI had resolved all remaining issues with the Board and, consequently, withdrew all pending appeals. The appealed documents include information on the FBI's investigations of Lee Harvey Oswald while he was residing in the Soviet Union, foreign reaction to the assassination of President Kennedy, the background investigation of Marina Oswald, and other investigations undertaken following the assassination.

The FBI had previously argued that releasing the information in the assassination records would prejudice current foreign counterintelligence operations and harm foreign relations. The Review Board determined that public interest in the information outweighed the evidence that the FBI offered to

prevent release of the information.

### **Rankin Files**

The personal papers of J. Lee Rankin, General Counsel of the Warren Commission, were recently transferred to the National Archives. The files, which relate to Rankin's Warren Commission work, were donated to the JFK Collection by his son, James Rankin, at the September 17, 1996 Review Board public hearing in Los Angeles. Rankin's papers reveal a great deal about the organization and development of the Warren Commission report and include memos and handwritten changes to the draft chapters recommended by Commission members, including Representative Gerald Ford (R-MI), John McCloy, and Allen Dulles. The documents also include the daily scheduling diary prepared by Mr. Rankin's secretary.

### **The Nagell Secret Service File**

The Review Board voted last month to release the Secret Service file on Richard Case Nagell, a former Army intelligence officer who claimed, according to Dick Russell in The Man Who Knew Too Much, to have knowledge of a conspiracy in the assassination of President John F. Kennedy. According to Russell, Nagell claimed to have known Lee Harvey Oswald and to have had prior knowledge of plans to assassinate President Kennedy. As a result of the Review Board's action, additional information is now available to the public on this part of the history surrounding the assassination.

The documents include a report on Nagell's 1964 interview with the Secret Service while incarcerated in the El Paso, Texas jail and his psychiatric file while a patient at the Medical Center for Federal Prisoners in Springfield, Missouri.

The Review Board voted to release the Secret Service documents despite privacy objections by the Federal Bureau of Prisons. The Board determined that the public's right to know outweighed the Bureau's privacy concerns.

### **Document Review**

Meeting at least once a month, the Review Board has continued to compile an impressive record since I last reported to you. In total, the Review Board has overseen the release of 10,478 documents between June 1995 and January 1997. Each month hundreds of additional documents are added to that total. Some of the documents that are in the process of being transferred to the National Archives include records of the National Security Agency, military message traffic from the day of the assassination, the original Immigration and Naturalization files of Marina Oswald and Lee Harvey

Oswald, and the military records of Richard Case Nagell. It is expected that the rate of record release will accelerate in the coming months. At present, the John F. Kennedy Collection at the National Archives totals the equivalent of 3.5 million pages of documents.

### **ARRB Staff**

The ARRB staff has seen some significant changes in recent months. Returning to the ARRB Staff is Tom Samoluk, who had left for a brief stint at the Massachusetts Attorney General's office. Laura Denk was recently promoted to Chief Analyst for FBI Records, filling the post formerly held by Phil Golrick, who joined the Department of Justice. Doug Horne, formerly a Senior Analyst for Military and Medical Records, was promoted to Chief Analyst for Military records, replacing Tim Wray, who has left the ARRB for the private sector.

### **Conclusion**

The Review Board appreciates the support of the research community in our goal of making the JFK Collection as complete as possible. We will continue to keep you informed of our progress in releasing vital records. As always, your input is important. Please contact us if you have any comments or questions for the Board or staff. Our address is: Assassination Records Review Board, 600 E. Street, NW, Second Floor, Washington, D.C. 20530. You may call us at (202) 724-0088.