

## ASSASSINATION RECORDS REVIEW BOARD

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## PUBLIC MEETING

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Archivists Reception Room  
Room 105  
National Archives and Records  
Administration  
7th and Pennsylvania Avenue, N.W.  
Washington, D.C.

Tuesday, July 12, 1994

The above-entitled meeting commenced, pursuant to notice, at  
10:00 a.m., John R. Tunheim, chairman, presiding.

## MEMBERS PRESENT:

JOHN R. TUNHEIM, Chairman  
HENRY GRAFF  
KERMIT HALL  
WILLIAM JOYCE  
ANNA K. NELSON

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## P R O C E E D I N G S

[10:00 a.m.]

## CALL TO ORDER

MR. TUNHEIM: Good morning. I will call to order the meeting of the Assassination Records Review Board. This is our second public meeting. We are very glad to see all of you here. We have got a rather full agenda this morning. We will do our best to proceed through it as quickly as we can.

## REPORT ON CONGRESSIONAL MATTERS

MR. TUNHEIM: The first matter on our agenda is a brief report on a couple of items that are going through Congress right now that affect the Board. The first is the appropriation for fiscal year 1995. That matter is currently before a House/Senate conference committee, the Treasury, Postal and General Government Conference Committee of Appropriations.

The House passed bill has an appropriation for fiscal year 1995 for the Board of \$2.418 million, which is the amount that was approved by the Office of Management and Budget, the amount that we had requested. That money was removed in the Senate version of the bill, so there is a discrepancy between the two bills. The Senate bill currently does not have funding for the Review Board for the next fiscal year.

We are hopeful of resolving that matter this week. In fact, I understand the conference committee is meeting this week and we are hopeful that will be resolved in a manner that includes the House provision.

The second item affecting the Board is a group of what we characterize as technical amendments which are moving through Congress right

1 now to fix a couple provisions of the original bill. It's H.R. 4569. My  
2 understanding from Mr. Turner from the House Government Operations Committee  
3 is that the bill is going to be on the floor today.

4 It has not progressed as fast in the Senate, but one of the  
5 aspects of the bill will be to extend the existence of the Board for another  
6 year beyond 1995. So under that version of the legislation, the corrective  
7 legislation would have the Board operating through the end of October of  
8 1996. Other provisions in the bill would permit us to do our work more  
9 quickly. That is the entire intention of the corrective amendments.

10 REPORT ON EXECUTIVE DIRECTOR APPLICATION PROCESS

11 MR. TUNHEIM: I would like to ask Dr. Hall to describe the  
12 Executive Director application process which we have gone through over the  
13 past three months.

14 MR. HALL: Jack, thank you.

15 The Assassination Records Review Board during the latter part  
16 of April and May and into the early part of June conducted a nationwide,  
17 and indeed, as it turned out, an international search for an Executive  
18 Director. Our search process involved the placement of advertisements and  
19 notices about the position in the pertinent Federal Register and related  
20 materials as well as in major newspapers around the country, most especially  
21 the New York Times and The Washington Post. That process yielded over 400  
22 applicants for the position of Executive Director.

23 We met in early June to reduce that number of applicants. We  
24 were successful in getting it down to seven. We brought the seven to  
25 Washington and interviewed them in approximately hour and a half sessions

1 each. The result of that was a unanimous understanding about the person  
2 that we wished to offer the position to.

3 Inasmuch as it was aimed at finding a person with recognized  
4 abilities as an investigator, someone who understood the archival community  
5 and its operation, and someone who did in their present position not violate  
6 any of the provisions of the statute with regard to present governmental  
7 employment, we felt that we yielded up a really quite good pool of candidates,  
8 and indeed the Board, while unanimous in its understanding of this matter,  
9 nonetheless was pleased with having to struggle to reach that decision  
10 because of the quality of the applicants.

11 In recognition of that fact, Mr. Chairman, I would like to offer  
12 a motion to the full Board. The purpose of this motion is to have us publicly  
13 vote and recognize by way of offer the position of Executive Director to  
14 David G. Marwell. Mr. Marwell is a private citizen of integrity and  
15 impartiality with a distinguished professional record. He holds a Ph.D.  
16 in history from the State University of New York at Binghamton, and he has  
17 also served for the previous five years as director of the Berlin Document  
18 Center. His position there ended July 1, when the records were turned over,  
19 of course, to the German Government.

20 Mr. Marwell, in addition to his service at the Berlin Document  
21 Center, has also been involved as the chief investigative researcher in  
22 the Office of Special Investigations at the Department of Justice where  
23 he served from 1980 through 1988. In that capacity he was extensively  
24 involved with locating records involving Joseph Mengele and Claus Barbie,  
25 and we were all of the mind that that experience coupled with his experience

1 in Berlin put him in the position of being the person that would best suit  
2 our needs. It is therefore the sense of the motion, Mr. Chairman, that  
3 we offer the position as Executive Director to Mr. Marwell under the terms  
4 of the resolution that is before the Board, and I so move.

5 MR. TUNHEIM: Is there a second to the motion?

6 MR. GRAFF: Second.

7 CONSIDERATION OF RESOLUTION APPOINTING EXECUTIVE DIRECTOR

8 MR. TUNHEIM: It has been moved and seconded that the Board  
9 appoint David G. Marwell as Executive Director. Is there any discussion  
10 on the motion?

11 [No response.]

12 MR. TUNHEIM: We will proceed to the vote. All those in favor  
13 say aye.

14 [Chorus of ayes.]

15 MR. TUNHEIM: Opposed say no.

16 [No response.]

17 MR. TUNHEIM: It is carried.

18 We are all looking forward to working with Mr. Marwell. I have  
19 some biographical information on him that I will ask Steve or Susan to pass  
20 out. I think this is an exciting development for the Board. Mr. Marwell  
21 is a distinguished professional and someone who I think will help guide  
22 us through the tasks that we have ahead of us over the next two to three  
23 years. So we are looking forward to Mr. Marwell's coming on board with  
24 us. It is my understanding that he can begin effective August 8 so that  
25 we will have a staff here in Washington beginning August 8, with more to

1 come.

2           There is another housekeeping matter that we need to take care  
3 of today. This is a formality. In light of the fact of the unique provisions  
4 of the current law that we are operating under and the fact that our nomination  
5 and confirmation process was significantly delayed, we have a need to  
6 formally extend our existence for an additional year, which we have the  
7 right to do under the existing legislation. I say this is a formality because  
8 of the fact of the bill that is now proceeding through Congress which we  
9 anticipate will face no difficulties, but nonetheless we should do this  
10 anyway.

11           Anna, would you care to talk about this issue?

12           CONSIDERATION OF EXTENSION OF REVIEW BOARD TERM

13           MS. NELSON: This is a resolution of technical amendments,  
14 basically. Because we got such a late start, as you know we officially  
15 end next October, not having yet begun. This is a resolution to extend  
16 the term, which we can do as a board; we can extend ourselves one year  
17 according to the statute. This is a resolution that would extend us to  
18 October of 1995 -- I guess it's October of 1995 because we expire in October  
19 of 1994 -- and give us an extra year. Then there will an effort in the  
20 Congress to extend us further. But we need that in order to proceed at  
21 this time. Since the statute allows us to do this, this is a resolution  
22 that extends our term for another year. I move we accept this resolution.

23           MR. TUNHEIM: Is there a second to the motion?

24           MR. GRAFF: Second.

25           MR. TUNHEIM: It has been moved and seconded that the term of

the Review Board be extended one year, through October 27, I believe, 1995.

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Is there a discussion on the motion?

[No response.]

MR. TUNHEIM: We will proceed to the vote. All those in favor say aye.

[Chorus of ayes.]

MR. TUNHEIM: Opposed say no.

[No response.]

MR. TUNHEIM: It's carried.

#### REPORT ON ADMINISTRATIVE MATTERS WITH GSA

MR. TUNHEIM: Next on our agenda I had intended a brief discussion about administrative-related matters with the people that we have been working with at the General Services Administration, and we may put that back on later on. Let me just say that we are hopeful of being able to move into office space just a stone's throw away from this building relatively soon, as soon as some final construction work is completed. The building is 633 Indiana Avenue. You can see it if you look out the window here. It is excellent space. It is ready to go. There are some security measures that need to be constructed before we take occupancy, but I'm hopeful that within the next month we will move into that building and we will have an entire floor of that building.

The rest of the building currently houses the Bureau of Justice programs of the Justice Department, so there is significant security in the building already. So we are looking forward to taking over office space and having a place for receipt of mail in Washington so that we don't have

1 to prevail upon Steve Tilley to handle our mail any longer. He has been  
2 a wonderful help to us as we have gone through the organizational process.

3 I have signed several memoranda of understanding in order to  
4 get us start-up appropriations. I wanted to raise that issue right now  
5 for the Board to officially approve.

6 As many of you know who have been following the Board's  
7 existence, there was no start-up fund for the Board created in the legislation  
8 or the appropriation process. Through the good graces of the White House  
9 Office of Administration we were able to procure \$250,000 as start-up funds  
10 with significant assistance from the Office of Management and Budget helping  
11 us to get off the ground before a congressional appropriation is available  
12 to us. That memorandum of understanding has been signed with the White  
13 House Office of Administration and the General Services Administration,  
14 and we have also signed an additional memorandum of understanding with the  
15 General Services Administration for providing administrative services for  
16 the Board.

17 Henry.

18 APPROVAL OF MEMORANDA OF UNDERSTANDING WITH  
19 WHITE HOUSE AND GSA

20 MR. GRAFF: I move that the Board formally approve the memoranda  
21 of understanding that the Chairman has signed on our behalf.

22 MR. TUNHEIM: Is there a second to that motion?

23 MS. NELSON: Second.

24 MR. TUNHEIM: Moved and seconded to approve the memoranda of  
25 understanding. Is there any discussion?

[No response.]

1 MR. TUNHEIM: We will proceed to the vote. All those in favor  
2 say aye.

[Chorus of ayes.]

4 MR. TUNHEIM: Opposed say no.

[No response.]

6 MR. TUNHEIM: It's carried.

8 REVIEW OF AGENCIES' PROGRESS IN REVIEWING RECORDS

9 MR. TUNHEIM: Mr. Joyce has been engaged in the process to start  
10 our relationship with quite a number of federal agencies that possess  
11 assassination records and are going through their own review processes.  
12 We will engage the agencies far more significantly this fall when we have  
13 a staff available to do that. But in advance of that, Mr. Joyce has been  
14 providing a real service to the Board in beginning those discussions with  
15 the agencies, and I would like him to report on that right now.

16 MR. JOYCE: Thank you, Mr. Chairman. With the assistance of  
17 Steve Tilley of the Archives staff we have put together a list of some 55  
18 agencies to whom I have now written to ascertain what quantity of  
19 assassination-related records remain in the agencies and what might  
20 constitute a significant part of the workload of this Board. It seems to  
21 us that in order to gauge the work before us it is essential to begin by  
22 understanding at some level what volume of records exist in the agencies  
23 now. Of course there are other aspects to our work, but as part of developing  
24 the work plan it seems to us that we need to have more information.

25 As I say, I have written to some 55 agencies. Although the

1 reporting deadline has not yet come, I have nearly 20 responses to date,  
2 which have been helpful both in terms of identifying additional sources  
3 of inquiry to make concerning assassination-related records as well as to  
4 provide raw data itself.

5 I am not at this moment really in a position to report meaningful  
6 numbers, in part because a number of responses have suggested that there  
7 are additional places to search. I have sent out a second round of letters  
8 and expect that there will be additional letters to follow shortly. However,  
9 by the time we have staffing in place, probably in the autumn, we should  
10 be in a position to assist the staff by providing information about what  
11 records exist in the agencies.

12 MR. TUNHEIM: Any questions for Mr. Joyce?

13 MS. NELSON: I am interested, Bill, in the fact that they still  
14 have not searched every corner. And also the sheer number. I think the  
15 sheer number is appalling, 55 agencies. Did you divide the Department of  
16 Defense? Is that part of it?

17 MR. JOYCE: There is more than one in several departments, yes.  
18 As direct an approach as possible to as many places that might hold records  
19 seemed advisable.

20 MS. NELSON: Yes. I think it was a very good idea.

21 MR. TUNHEIM: Other questions or comments?

22 [No response.]

23 MR. TUNHEIM: Thank you very much, Bill. We appreciate the  
24 work that you have done in getting this effort started. We will pick that  
25 up with our staff this fall.

DISCUSSION OF BOARD PLANS THROUGH END  
OF FISCAL YEAR 1994

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3 MR. TUNHEIM: We have a period of time on our agenda for a  
4 discussion of the Board plans through the end of this fiscal year. We are  
5 somewhat limited due to the money that we have available to us and the need  
6 to staff our office, to begin paying rent and those kinds of expenses that  
7 come the way of a new federal agency. I think from my standpoint we are  
8 very hopeful that we will have a small corps of staff started working for  
9 us in September so that when October 1 comes around and we have the full  
10 year's appropriation from Congress we will be ready to staff up quite quickly  
11 with additional records review personnel and investigators.

12 I believe the Board is of the mind that we would like to hold  
13 a series of public hearings, several in Washington and a number around the  
14 country, to gather input from the public as to how we should define the  
15 term "assassination record," to gather input on where records might exist.

16 Certainly records in other places outside of Washington where a more formal  
17 identification process has already gone on. We are anxious to begin that  
18 process. We are limited really at this point only by the availability of  
19 staff and funds to accomplish that.

20 I think that we will have money available for our first public  
21 hearing in September. We are certainly hopeful of that. I would like to  
22 ask other Board members to give their thoughts on our plans over the next  
23 several months.

24 MS. NELSON: Actually, we had hoped to have a public hearing  
25 even earlier. We had to give people time to answer our ad for the Executive

1 Director and to do a legitimate and thorough search. That was one of the  
2 things that held us up and I think it was really worth it.

3 The public hearings obviously will have to help us bring in  
4 information about where records are and where new sources are. That was  
5 the thrust of our conversation. It will probably have to be somewhat limited  
6 because of the sheer numbers of people who are interested, but we really  
7 do want to reach out. I think one of the first things that we discussed  
8 was reaching out to the groups that had information and were interested  
9 and could in fact aid the work of the Board.

10 That, I think, has been on our agenda from the very beginning,  
11 limited only by the funds. Of course they will be further limited if our  
12 budget for 1995 is cut. We won't be able to have as many public hearings.

13 They are rather expensive to put on. That may limit how far around the  
14 country we can go. It's not so expensive in Washington, but it is, of course,  
15 if you have to have public hearings in another city.

16 MR. TUNHEIM: Further comments?

17 MR. JOYCE: Mr. Chairman, it seems to me that as we plan the  
18 work of this Board over the course of the next year or so that we have to  
19 think of our effort as going in two opposite and yet in some basic way  
20 complementary directions.

21 One is to reach out to the research community for assistance,  
22 as Chairman Tunheim has said, concerning the definition of "assassination  
23 records" and where those records might be located.

24 In addition to that, to work with the agencies that have records  
25 that we already know about, to assist them in bringing these records to

light.

1                   So our plan must consist of a special effort to reach into these  
2 two constituencies and develop appropriate ways and means of relating to  
3 both.

4                   MS. NELSON: I might add, if I can, that I think there is an  
5 element of impatience from all sides that we have not yet really zeroed  
6 in on documents, that we are not going to zero in on documents very soon,  
7 but I think that everyone would agree that we must define the documents  
8 we are looking for. It is a big chore to define what is an assassination  
9 document, to discuss this with the agencies and to discuss it with the  
10 community. I think in the long run it will be to everyone's advantage if  
11 we take a little more time to establish our views, our sense of what we  
12 want to look for, rather than leaping immediately into the world of records.

13                   MR. GRAFF: I think it's worth pointing out that all of us  
14 individually have received from many people out there suggestions as to  
15 where we might find information or theories about the assassination and  
16 that we have a suspicion that that is just the tip of the iceberg as we  
17 begin to look about for the availability of documents. We ultimately don't  
18 know how large that pool of documents will turn out to be, but we are attentive  
19 to the magnitude of the task.

20                   MR. TUNHEIM: I believe that once October 1 hits and we have  
21 the full congressional appropriation the pace will speed up considerably.

22                   Most of what we are doing right now is to prepare for that time, to be  
23 ready so that we will have a staff there and be ready to move. We are very  
24 cognizant of the fact that we will have at most two, perhaps three years  
25

1 to accomplish this task, so that once we have a staff in place we are going  
2 to move fast.

3 I think our search for an Executive Director was both careful  
4 and measured and thorough. I think this Board will take the same approach  
5 toward the task of hunting for documents and identifying documents that  
6 are related to the Kennedy assassination so that we can have a thorough  
7 report in the end on what we have found and what is going to be available  
8 to the public.

9 We have time on our agenda to hear from Steve Tilley, who is  
10 the coordinator of the JFK collection in the National Archives. Steve is  
11 with us here at the table. He has been an invaluable help to the Board  
12 in the last several months as we have existed without a staff trying to  
13 fly in from our far-flung locations, and in Ms. Nelson's case riding Metro,  
14 I guess. Steve has been very helpful to us in organizing our administrative  
15 tasks and just providing a great deal of assistance to us. We would like  
16 to hear from Steve at this point on the developments that have occurred  
17 with the collection in the last several months since we had our last meeting  
18 in April and our last report.

19 Steve.

20 REPORT FROM STEVE TILLEY, NATIONAL ARCHIVES

21 MR. TILLEY: Thank you, Mr. Chairman. There have been three  
22 major openings of records in the JFK collection since the Board last met  
23 on April 12. That very week, April 15, the Archives made available the  
24 remaining tape recordings of telephone conversations from the Johnson  
25 Library that related to the assassination. The conversations covered a

1 period of December of 1963, January and February of 1964, and December of  
2 1966 and January of 1967.

3           These conversations reflected the work of the Johnson Library  
4 staff in reviewing the tape recordings at the Johnson Library. They had  
5 identified these conversations as the remaining conversations that related  
6 to the assassination that were in their custody.

7           The transcripts of these conversations were already part of  
8 the collection at the time the tape recordings were made available. So  
9 we were aware of what conversations were coming and what we opened on the  
10 15th were the tape recordings themselves. As I say, the transcripts had  
11 already been made available.

12           The tape recordings of the conversations of November of 1963  
13 had been made available in the fall of 1993. So at this time we have all  
14 of the tape recordings which have been identified by the Johnson Library  
15 as being relevant to the assassination.

16           On May 3 the second opening that took place involved a large  
17 amount of material and the records that were made available on that day  
18 included the headquarters files of the Federal Bureau of Investigation on  
19 their investigation of the assassination of President Kennedy. Included  
20 in those files was a great deal of physical evidence that had been gathered  
21 by the FBI and had been examined by their laboratory at the time. At that  
22 time there was a great deal of press coverage on that particular file with  
23 interest in a lot of the photographs and the other items that were made  
24 available at that time.

25           Also opened that day were field office files of the FBI on Lee

Harvey Oswald from their Dallas, Mexico City and New Orleans field offices.

1  
2 A third item that was made available that day were additional  
3 records of the Church committee; seven additional boxes of the Church  
4 committee were made available on that day.

5 Finally, the records of the Department of Justice, their Freedom  
6 of Information Act litigation files, Appeals Court litigation files relating  
7 to assassination records were made available on that day.

8 On June 10 we had our third opening of assassination records.

9 That opening consists entirely of records of the Federal Bureau of  
10 Investigation. What was opened on that day consisted of the remaining field  
11 office files related to Lee Harvey Oswald and field office files on the  
12 assassination of President Kennedy from the offices of Dallas and New  
13 Orleans.

14 Since June 10 we have acquired some additional records that  
15 we have not made available yet. Under the statute we have 30 days from  
16 the time we receive records until they have to be made available to the  
17 public. Last week we received the remaining field office files of the FBI  
18 from their investigation of the assassination of the President.

19 Also in that transfer from the FBI we received the FBI's files  
20 that related to their work with the Pike committee. This is a fairly small  
21 amount of material. It must be remembered that the Pike committee looked  
22 at a number of different issues at the time it held its hearings only one  
23 aspect of which was the assassination of President Kennedy. So therefore  
24 we don't have everything the FBI did in relation to Pike, simply those that  
25 are relevant to the assassination.

1 We also received ten additional boxes of records of the Church  
2 committee. Included in those boxes are the first executive session  
3 transcripts of testimony taken by the committee at the time they held their  
4 investigation. Up to this time the 22 boxes we currently have from the  
5 Church committee are basically all documents that were acquired by the  
6 committee staff. These ten boxes we have just brought in in the last few  
7 days contain the first testimony that has been made available from the Church  
8 committee records.

9 We are also expecting some additional transfers over the rest  
10 of the summer. Last month I met with representatives of the Historical  
11 Review Group at the Central Intelligence Agency to discuss their ongoing  
12 review of records that are still in their possession. At that meeting they  
13 indicated that during the summer they plan to transfer an additional 70,000  
14 pages of materials. These documents are documents that were actually from  
15 the microfilm. I believe there were 73 reels of microfilm that were made  
16 available to the House Select Committee at the time the committee was doing  
17 its work. The CIA has printed those microfilm rolls onto paper and has  
18 been reviewing that material over the last few months. Sometime during  
19 the summer they will be transferring approximately 70,000 additional pages  
20 to us from those microfilm rolls.

21 In addition, they also plan to transfer approximately 20,000  
22 pages of documents which were created by the staff of the House Select  
23 Committee at the time the committee conducted its review of those files.

24 They will be transferring those files to us with recommendations for  
25 postponement of some information in those documents.

1           The difference with these records is that the records of the  
2 House Select Committee are actually the legal responsibility of the House  
3 Administration Committee in conjunction with the National Archives through  
4 an agreement that was worked out at the time the review was begun. The  
5 Archives in effect acts as an agent for the House Administration Committee.

6           The House Administration Committee is the final authority on disclosure  
7 of the documents of the HSCA.

8           The problem we are going to have there is that this is not  
9 technically a transfer under the statute, because the Archives will now  
10 have to do the data entry and put the information into the database for  
11 these pages of documents. So we will not be able to make those records  
12 available within 30 days. We have already discussed it with our Center  
13 for Legislative Archives here and we are beginning to look at how we can  
14 begin to do that data entry once the transfer is made. So as soon as we  
15 have those records we will start the process of getting the data entry done  
16 on those documents.

17           While I am mentioning the database, let me go on to say that  
18 the database is unchanged at this time. Since the last time the Board met  
19 we have made no additional entries into the database itself, having received  
20 no additional disks from any agencies other than a few minor items. Frankly,  
21 there is so much work involved in updating the database we would like to  
22 wait until we have a significant number of disks. So when we get the major  
23 transfer of disks, then we will be updating that database.

24           That does not mean that the documents that aren't covered in  
25 the database are not findable. We have created other finding aids, the

1 title lists and other standard archival finding aids for those records which  
2 are not in the database. I think we have been able to adequately serve  
3 the public on those records.

4 We are also continuing work on automating the database better,  
5 to make it faster, to improve our searching capabilities, and we are  
6 continuing to work on making the database available through the Internet  
7 eventually, as the statute envisions and as Trudy Peterson, the acting  
8 archivist, testified last year in our oversight hearings, and we are  
9 continuing to work on making the database available electronically  
10 throughout the country.

11 Let me comment a little bit on the continuing research load.  
12 The level of research interest continues to increase on the collection.  
13 There has been no diminution at all in the level of interest in these records.  
14 The researchers are coming. We continue to get written inquiries. Since  
15 last August we have received over 450 written inquiries on this, and that,  
16 of course, does not include the phone calls and the people who come in to  
17 do research now at Archives II, our new facility at College Park. So the  
18 level of interest continues high in the collection.

19 Frankly, I see no evidence that it is going to be going down.  
20 I think it continues to remain quite high. Very, very many people are  
21 interested in working in this area.

22 As far as additional records, to comment on the area that Mr.  
23 Joyce was discussing, we are aware of several agencies that are still  
24 reviewing documents, as the CIA is still doing on that one area. As I  
25 mentioned at our last meeting, there had been a discovery of some Post Office

1 Department records. We have provided data disks to the Post Office records  
2 management people for them to begin their work, and hopefully that is  
3 proceeding apace.

4 The Army had provided us with a small amount of materials  
5 concerning the testing of the rifle that was conducted at Aberdeen Proving  
6 Ground in 1964, some tests of the firing of the rifle and things like that,  
7 and those records have been recently turned over to the Archives and are  
8 now at Archives II.

9 We recently received some records from the Naval Criminal  
10 Investigative Service which contain information from the Office of Naval  
11 Intelligence and some of their work in the aftermath of the assassination.

12 So those are some smaller groups of records that are either  
13 in process or have been recently turned over to us as part of the collection.

14 We did not have a major opening of those records simply because we are  
15 talking about four boxes in those two areas. Generally when we get small  
16 increments like that we just make the researchers aware of it as they come  
17 in. I will often inform people I know are interested in something in a  
18 particular area that something has been made available. We don't do openings  
19 for four boxes of records. It's simply too much work. When we get major  
20 groups of records, that is when we have our major openings out at Archives  
21 II.

22 That is where we stand right now, Mr. Chairman.

23 MR. TUNHEIM: Are there questions for Mr. Tilley?

24 Thank you for your report, by the way. That was excellent.

25 Questions?

Go ahead, Mr. Joyce.

1  
2 MR. JOYCE: Steve, what is the current volume of the Kennedy  
3 assassination collection here at the Archives and what would you estimate  
4 is the percentage of material in it that is not available for research?

5 MR. TILLEY: The collection currently is about 1,200 cubic feet  
6 of records and might even be a little bigger than that now with our most  
7 recent additions which we haven't figured in yet, the ones that we haven't  
8 opened up. Everything in that collection, of course, is available, and  
9 everything there is open. We don't consider anything that has been postponed  
10 to be part of the collection at this time. All postponed records are still  
11 in the possession of the agencies that made the decisions on postponement,  
12 as the statute requires.

13 MS. NELSON: Number of pages per cubic foot, roughly?

14 MR. TILLEY: Roughly 2,500. That's a ballpark, rough estimate.  
15 As I said at the last meeting, we don't spend a lot of time counting pages.  
16 We don't have time. That's a figure that the Archives uses often as a  
17 rough estimate, about 2,500 pages per cubic foot.

18 MR. TUNHEIM: Mr. Tilley, the collection that the Archives has,  
19 does that include material that has been redacted in those documents that  
20 are officially postponed for our consideration?

21 MR. TILLEY: Yes, it does.

22 MR. TUNHEIM: Can you estimate how many documents might have  
23 redactions on them that are going to be coming our way?

24 MR. TILLEY: I don't know if I could really make an accurate  
25 estimate of that, Mr. Chairman. However, I can say that many documents

1 do have redactions. For the most part, my experience has been that the  
2 redactions are very minor. Generally we are talking about a phrase or a  
3 few sentences, perhaps a paragraph, and in some instances you do get whole  
4 documents redacted, or several pages. But for the most part, based on my  
5 experience of many years of doing access work and doing Freedom of Information  
6 review and things like that, I think on the whole the level of redaction  
7 percentage-wise is much smaller in this instance than it has been in the  
8 past when similar documents have been reviewed under the Freedom of  
9 Information Act.

10 But yes, many documents do have redactions. Percentage-wise,  
11 I would not want to hazard a guess, but if I had to be pinned down, I would  
12 say it's not 50 percent have redactions. We have many, many documents which  
13 have been released in full.

14 MR. TUNHEIM: Go ahead, Henry.

15 MR. GRAFF: Do you find a general willingness to turn over the  
16 documents or do you find some examples of foot-dragging that you would care  
17 to tell us about?

18 MR. TILLEY: Mr. Graff, I honestly think that the agencies that  
19 we have dealt with have really made a remarkable effort to comply with the  
20 statute. I think I touched on this at the last meeting and I would like  
21 to say it again. The relationship that I have had with the various agencies  
22 I have been dealing with has been very cordial. They have been more than  
23 willing to discuss the issues and the problems that are facing everybody.

24 I really don't think the question is one of foot-dragging.  
25 I think the question, once again, is one of volume. There is more material

1 out there than people realize. It has been perhaps harder to find, but  
2 once again, the review process is a very laborious process. It takes a  
3 long time to do the data entry. Once we identify the material that needs  
4 to be reviewed, the agencies that we have dealt with have been most helpful  
5 and have really worked very assiduously to get the job done. I don't think  
6 there has been a problem with that.

7 MR. GRAFF: Excellent.

8 MR. TUNHEIM: Go ahead, Bill.

9 MR. JOYCE: If we can come back to the question I asked, you  
10 did refer in your report to records that were postponed in the Pike committee.

11 Perhaps it was the Church committee. In light of your comment, I am  
12 wondering what the volume is of assassination-related records that are in  
13 the custody of the Archives that are not available for research.

14 MR. TILLEY: You mean records that are in the legal custody  
15 of the National Archives?

16 MR. JOYCE: Well, in the physical custody that might be the  
17 legal property of another agency.

18 MR. TILLEY: Obviously the Archives has postponed material  
19 that was ours to review. We have other types of documents which this Board  
20 is going to want to address that are at this time not part of the collection  
21 for various reasons. Either it's donated material or it's material that  
22 is subject to court seal or it's material that the Archives in its own process  
23 has made a decision on postponement.

24 I'm not sure what the volume of that is, but I don't think there  
25 is a lot of material that is currently closed that is in our custody when

1 you consider the overall size of the entire collection. We do have some  
2 donated materials that are currently not part of the collection, and these  
3 materials are going to be one of the areas that this Board is going to have  
4 to address, how those donated materials are going to fit into this collection.

5 The material that is under seal at the Kennedy Library, primarily  
6 the interviews that were conducted by William Manchester with Jacqueline  
7 Kennedy Onassis and Robert Kennedy, are not that large a volume of material,  
8 but it's material that is a special area of concern. Of course the Board  
9 under the law is given special powers to deal with that particular issue.

10 I think volume-wise we are not talking about a large volume  
11 of materials that the Archives currently has in its custody, either its  
12 legal custody or its physical custody for some of these items, but it could  
13 be some of the most contentious information that this Board may have to  
14 deal with.

15 MS. NELSON: And important.

16 MR. TILLEY: And important, yes.

17 MS. NELSON: Steve, let's go back to the House Select Committee  
18 and the House Administration Committee. Are the records of the Pike  
19 committee having to be treated differently than those of the Church committee  
20 because of the different rules in the Senate and the House?

21 MR. TILLEY: I would assume, yes. Let me give you a little  
22 background on that. The House Select Committee on Assassinations, the  
23 control of their records was given to the House Administration Committee  
24 once the select committee went out of business. The Archives has worked  
25 with the staff of the House Administration Committee since the statute was

signed on viewing those records.

1  
2 To make a fairly long story short, the House Administration  
3 committee deputized NARA to review their records with them having the final  
4 say on whether or not they approved of the review or not.

5 The records of the other two committees, the Pike committee  
6 and the Church committee, are being handled by the staff of the two current  
7 intelligence committees. The House Permanent Subcommittee on Intelligence  
8 is conducting the review of the Pike committee documents and the Senate  
9 Select Committee on Intelligence is handling the review of the Church  
10 committee records. The staffs of those committees are the ones who have  
11 been the determinants of how those things are being reviewed.

12 The Church committee records are being turned over through the  
13 auspices of the Office of the Senate Historian. Everything is being done  
14 with the Senate Historian's office on that transfer. We do not have any  
15 records of the Pike committee yet. The House Permanent Subcommittee on  
16 Intelligence is still reviewing the records of the Pike committee. How  
17 that transfer will take place, I do not know at this time.

18 MS. NELSON: The Clerk of the House controls the House records.

19 MR. TILLEY: Right. I would assume that they will work that  
20 through the Office of the Clerk, but at this time I don't know for sure.

21 I haven't had anything firm on that yet.

22 Yes, I think we can assume that those reviews are taking place  
23 under the rules of the two houses and not being done under a single set  
24 of rules.

25 MR. TUNHEIM: Mr. Tilley, under the line of questioning on those

rules, who are the individuals who are making the postponement decisions?

1 Is it a committee decision, or are there staff members who are designated  
2 to make the initial postponement decision that agencies have the right to  
3 make?  
4

5 MR. TILLEY: Mr. Chairman, in regards to the records of the  
6 House Select Committee, representatives of the National Archives have had  
7 several meetings with the chairman of the House committee, Charlie Rose  
8 of North Carolina, and the ranking minority member, Bill Thomas of  
9 California, on issues involving their records.

10 While we have worked very closely and mostly with members of  
11 the staff of the committee, we have had direct meetings with the chairman  
12 and the ranking minority member on issues involving the HSCA materials.  
13 We have not had any meetings with them for sometime, because the review  
14 of the HSCA materials was finished in August of 1993, in time for the initial  
15 opening. So that process has basically been on hold.

16 As we get back into the review of these documents which are  
17 being transferred from CIA, we will then be reestablishing contact, I'm  
18 sure, with the chairman and Mr. Thomas, the ranking minority member.

19 With regards to the records of the Church committee and the  
20 Pike committee, so far all of our contacts have been with members of the  
21 staff. Each committee has designated a senior member of the staff to be  
22 in charge of this process. All of my meetings and discussions have been  
23 with that senior member of the staff and with members of the staff working  
24 for that individual. We have had no contacts with any of the committee  
25 members. I would assume that the members of the committee are aware of

what is taking place, but we have had no formal meetings with them.

1  
2 MS. NELSON: So basically they are being looked at twice, by  
3 the CIA and by the Senate Intelligence Committee, say the Church committee.

4 MR. TILLEY: The CIA has been to the offices of the Senate  
5 Intelligence Committee to review their information among the Church  
6 committee records. Not just CIA but the FBI and other agencies involved.

7 Once that referral process is completed, then the staff of the Senate Select  
8 Committee on Intelligence completes the review for their portion of the  
9 information, and then that is what is turned over to the National Archives.

10 I guess you could say, yes, there has been a double review,  
11 but once again, always we must keep in mind that each agency is ultimately  
12 responsible for its own information. If there is a problem with a Church  
13 committee record that contains CIA information, my understanding is that  
14 this Board will then want to discuss that with the CIA and not with the  
15 Church committee. If we are talking about some of the testimony of the  
16 Church committee, then I think you will be negotiating with the Church  
17 committee on that issue. Once again, it's the origin of the information  
18 that is the key point here.

19 Let me say this, Mr. Chairman, to follow up on that with regards  
20 to the records of the HSCA staff which is being turned over to us, the 20,000  
21 pages I discussed earlier. That in effect will get a second look also.  
22 Once again, what information belongs to the CIA will be ultimately their  
23 call, but the House does have a role in this. The House may decide that  
24 the CIA is being too tight with the information and so there could be further  
25 discussions. That is something that the House Administration Committee

will have to decide.

1  
2 We act as the agent of the House but the House is ultimately  
3 the final arbiter on those records.

4 MR. TUNHEIM: One other point that I wanted to raise. Up until  
5 this point agencies have been interpreting what an assassination record  
6 is themselves based on the definition that is in the law and their own views  
7 of what an assassination record is. That's a subject that will face this  
8 Board relatively soon, our own effort to define what an assassination record  
9 is.

10 Do you have an opinion as to how that process is going, agencies  
11 selecting records for purposes of identifying assassination records, and  
12 how well that has gone?

13 MR. TILLEY: In some of the discussions I've had with agency  
14 representatives we have touched on the question of what is an assassination  
15 record and what is not. I know that several agencies, including the major  
16 agencies that we have discussed, have records which they think are outside  
17 the scope of the statute, and they are very anxious to discuss with the  
18 Board these particular questions and get these definitions raised.

19 Considering the volume of material we have in this collection  
20 so far which far exceeds what was thought would be the size of the collection  
21 when the hearings were held initially before the Congress, I think the  
22 collection is already bigger than some people thought it would be. However,  
23 I think it is also going to be much bigger before it's over. I think there  
24 is more material that we are definitely going to be adding to it.

25 It is very difficult for me to say, because I have not really

1 been given a list of files by agencies of what they are excluding. I know  
2 what we have excluded because I played a very great role in deciding some  
3 of those things that we thought were not assassination records. We will  
4 be discussing those questions with this Board at the appropriate times.  
5 But I simply can't give you a real hard and fast judgment on how that process  
6 has gone because I'm not aware of what precise files have been excluded  
7 by the agencies, but I do know that they have them and they are anxious  
8 to discuss several issues with the Board.

9 MR. HALL: I have a question.

10 MR. TUNHEIM: Go ahead, Dr. Hall.

11 MR. HALL: You described for us, Steve, that the Naval  
12 Investigative Service has provided some materials. Could you comment on  
13 the quality and level of cooperation given by the Department of Defense  
14 intelligence-related agencies with regard to pursuing materials related  
15 to the Kennedy assassination?

16 MR. TILLEY: We have very little material from any of the defense  
17 agencies in total. We have less than a box of records from the National  
18 Security Agency and less than a box from the Defense Intelligence Agency.

19 That does not mean that they were not cooperative. They were part of the  
20 review process from the beginning. They sent representatives to the initial  
21 meetings we had in December and January of 1992 and 1993 to get this process  
22 off the ground. Either they don't have much or they have postponed a great  
23 deal of material. I do not know how much is postponed.

24 MR. HALL: That strikes me as a critical question. It's one  
25 thing to have little material to turn over and to say, well, we really have

1 nothing that bears on the case. I'm particularly interested in this area  
2 and the extent to which it may provide some additional material that has  
3 not otherwise come to public attention. The fact that we have seen so little  
4 material leads me to be even more interested.

5 MR. TILLEY: Dr. Hall, many people have raised the question  
6 of the Department of Defense records, including particularly the Department  
7 of the Army. It is an issue that has been raised repeatedly by several  
8 of the researchers that we deal with.

9 The Department of the Army was notified in the initial  
10 notification sent to all agencies asking for reports on what assassination  
11 records they had in their custody. We were never provided with the name  
12 of a contact person from the Department of the Army in response to that  
13 request.

14 In September of 1993 we did provide data disks to the Army  
15 counterintelligence staff. They had located three feet of records dealing  
16 with some of their people in Eastern Europe at the time. As I was informed,  
17 apparently what happened is they went back and talked to some people after  
18 the assassination to see if anybody they had in their files knew anything  
19 about Oswald when he had been behind the Iron Curtain. We are waiting for  
20 that material yet.

21 We provided data disks to them and the data program to begin  
22 the indexing and the data entry process for those records. To this point  
23 we haven't received anything from them.

24 That is the only ongoing review of any Army records that I'm  
25 aware of at this time.

1 MR. HALL: If you will take my double negative here, we have  
2 no negative response from the Army saying what they don't have?

3 MR. TILLEY: No, sir, we did not receive any correspondence.  
4 We have a list of agencies which provided us with negative responses either  
5 by telephone or by letter, and the Department of the Army does not appear  
6 on that list. We were informed by the Office of the Secretary of Defense  
7 that they had no records, but of course the Office of the Secretary of Defense  
8 is a separate entity.

9 MR. HALL: Is there in your scheme of operation any plan to  
10 go back to those where you don't have a response and say we'd like to have  
11 a response?

12 MR. TILLEY: No. The Archives does not feel it has the  
13 authority to push the agencies. We have to assume that the response of  
14 the agencies is in fact a correct response. We really don't feel we have  
15 the authority to push them on that. We simply thought that no notification  
16 meant they didn't have anything. There was so much else to get ready for  
17 this process that we haven't pursued it.

18 MR. JOYCE: I would point out, Dr. Hall, that that doesn't  
19 preclude this Board from undertaking contact.

20 MR. HALL: Indeed, Dr. Joyce, that notion had come to my mind.  
21 I am wondering if I might also, Steve, just query you quickly  
22 on the National Security Agency, whether there has been any response in  
23 that area.

24 MR. TILLEY: The National Security Agency?

25 MR. HALL: Yes.

1 MR. TILLEY: Yes. They turned over a small amount of material  
2 and provided record identification forms for those records. I think they  
3 brought it in with a data disk also. I believe that material was part of  
4 the database. Obviously there is postponed material there also.

5 MR. HALL: You say obviously there is postponed material there.  
6 Why do you say obviously?

7 MR. TILLEY: There are references to it in many of the writings  
8 that have been done over the years. There are record identification forms  
9 which make reference to postponed documents. They are required to provide  
10 evidence of the fact that they have made postponements. In fact, there  
11 are record identification forms which indicate documents have been  
12 postponed. That is what I am basing that on. The agencies were not allowed  
13 to hide the fact that they were postponing documents. They had to still  
14 record the documents that were postponed and the reasons for those  
15 postponements. The box that we have indicates postponed material is there.

16 MR. HALL: Thank you, Dr. Tilley.

17 MR. TUNHEIM: Other questions for Steve?

18 [No response.]

19 MR. TUNHEIM: Let me ask one more question related to the work  
20 that the Department of Treasury has done, the Secret Service. Can you give  
21 a brief update on where that agency is at?

22 MR. TILLEY: The Secret Service has informed us that the  
23 majority of their records were turned over to the Archives in 1979. Their  
24 case file on the assassination was turned over at the end of the work done  
25 by the House Select Committee. So we have had that material since 1979,

and the vast majority of that material is open for research.

1  
2           They are working on some other items, I understand, but I do  
3 not have an idea exactly how much material they are still looking at.  
4 Apparently they have located some other documents but I'm not sure what  
5 the volume of that is at this time. That is an area we are pursuing with  
6 the Secret Service.

7           They did turn over to us the Schiff report for November 22,  
8 1963, with portions postponed under Exemption 5, which is the exemption  
9 which concerns the protection of the President. That's basically the only  
10 additional document that we have received from them other than what we already  
11 had that I'm aware of. I understand there are some other materials that  
12 they are looking at. We have been in contact with them and are pursuing  
13 this.

14           MR. TUNHEIM: Has the LBJ Library completed their review of  
15 the telephone conversations that they are going to release pursuant to this  
16 process, or is there more going on?

17           MR. TILLEY: My understanding from the staff of the library  
18 is that they have identified all of the tape recordings that are relevant  
19 to the assassination. They are reviewing other tape recordings as part  
20 of their general review process down there and plan to make additional records  
21 available in the future, but it is my understanding from my discussions  
22 with the staff that they have identified all the conversations that are  
23 assassination records.

24           MR. TUNHEIM: Have there been any recent discussions with the  
25 JFK Library?

1 MR. TILLEY: We have been in touch with them on a couple of  
2 different issues. First of all, they recently accessioned some records  
3 of Nicholas Katzenbach. When I realized that, I called up and made sure  
4 that they were reviewing those files for assassination records.

5 I should point out that they cover the years 1961 and 1962 and  
6 1965 and 1966. I asked them what happened to 1963 and 1964. They said  
7 they didn't know but they were going to look into that. So I asked them  
8 to continue to look into that fact but they should also initiate a review  
9 of those files for any assassination-related materials. They also  
10 accessioned a few extra feet of Robert Kennedy materials and they are also  
11 going to be reviewing that material for any assassination-related materials.

12 MR. TUNHEIM: So that material has not yet been turned over?

13 MR. TILLEY: No. That is not part of the material that was  
14 turned over and opened on April 1, which was his desk diaries, his telephone  
15 messages and his telephone logs. It's my understanding this is an additional  
16 accession.

17 MR. TUNHEIM: And your understanding is they are undergoing  
18 that review right now?

19 MR. TILLEY: Yes. I asked them to begin that and they said  
20 they would do so.

21 In April I mentioned some of the donors who had been contacted  
22 about making available some of their material that was not covered by a  
23 deed of gift and are covered by a deposit agreement. So far we still have  
24 had no real follow-up on any of that. I have not had any further word on  
25 any of the donors having made any decisions on whether or not they are going

to allow their materials to be opened up and added to the collection.

1  
2 MR. JOYCE: There are donors whose records the JFK Library have  
3 that have neither a deed of gift or a deposit agreement?

4 MR. TILLEY: There are many of those that are not covered by  
5 a deed of gift and they are under what we call a deposit agreement. That  
6 is not a legal deed of gift. It's basically courtesy storage.

7 MR. GRAFF: Mr. Tilley, when you say "we've been in touch,"  
8 are you personally writing these letters, or does the acting archivist write  
9 these letters?

10 MR. TILLEY: To whom?

11 MR. GRAFF: To the donors.

12 MR. TILLEY: The letters go from the director of the Kennedy  
13 Library to the donors.

14 MR. GRAFF: And you prod the director of the library to respond  
15 to the call for the corralling of all these documents; is that right?

16 MR. TILLEY: When I began working here in the summer of 1993,  
17 one of the first things I did was go to the three libraries which had most  
18 of the material related to the assassination, the Kennedy Library, the Ford  
19 Library and the Johnson Library. At those libraries we discussed what they  
20 had in their custody and what they had tentatively identified as  
21 assassination related and what they had tentatively decided was not.

22 As I mentioned earlier, we went through those lists and made  
23 decisions on what would be included in the collection and what would not  
24 be. Part of that process was identifying collections that were part of  
25 their holdings that may contain assassination records but which they needed

1 to discuss with the donors as to whether or not the donors were going to  
2 allow the materials to be released to the collection.

3 Part of those discussions were we decided that it would be  
4 prudent and what needed to be done was in fact that the library needed to  
5 write to the donors or the heirs of the donors to bring forth the issue  
6 of the statute and make aware what the statute said and see what their  
7 reactions would be to making their material available. So I believe those  
8 letters went from the directors of the libraries and did not come from the  
9 acting archivist, but it was after discussions with me over what needed  
10 to be done.

11 MR. GRAFF: Thank you.

12 MR. TUNHEIM: Any further questions for Mr. Tilley today?

13 [No response.]

14 MR. TUNHEIM: Thank you very much, Steve, for a very thorough  
15 report, as we have come to expect from you. Thank you again for all of  
16 your assistance. I might congratulate you also on engineering what appears  
17 to be a very successful move of the collection from this facility to the  
18 new archival facility in College Park.

19 MR. TILLEY: Thank you.

20 OTHER BUSINESS

21 MR. TUNHEIM: We earlier had a provision on our agenda to talk  
22 with people from the GSA about any administrative matters that need to be  
23 raised today. Calvin Snowden, who has been a tremendous help to the Board  
24 in the last several months, is here.

25 Calvin, I reported earlier that we were hopeful of moving into

1 our office space within the next month or two. Is there anything further  
2 you would like to report to us on that today?

3 MR. SNOWDEN: No. We are on schedule. The space should be  
4 ready by August 15.

5 MR. TUNHEIM: Great. Thank you very much. I appreciate all  
6 of your help and assistance, especially in getting the memorandum of  
7 understanding signed.

8 Any other matters you wish to raise with the Board today at  
9 this meeting?

10 MR. SNOWDEN: No, there are no other matters that need to be  
11 raised with the Board today.

12 MR. TUNHEIM: Thank you very much.

13 A couple of other things I wanted to point out. The cooperation  
14 the Board has received thus far from the Federal Bureau of Investigation.

15 We really appreciate that. Terry O'Connor and his group have been very  
16 helpful in getting us acclimated to what the FBI is doing, an enormous project  
17 at the Bureau of reviewing all the records that they have, and we appreciate  
18 all of the help that we have gotten, Terry.

19 Is there any other business that the Board has to raise today?

20 [No response.]

21 PUBLIC COMMENT

22 MR. TUNHEIM: We put a period of time on our agenda for any  
23 public comment. We would like to begin doing this at our public meetings,  
24 certainly in the spirit of the public hearings that we hope to have relatively  
25 soon. Is there anyone who wishes to raise any topic or ask any questions?

Dr. Newman.

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MR. NEWMAN: Yes. Thank you very much, Mr. Chairman.

MR. TUNHEIM: For the benefit of the court reporter, why don't you give your name and address.

MR. NEWMAN: Dr. John Newman, 1019 Summer Hill Drive, Odenton, Maryland 21113.

I have a question. First of all, the NSA collection, which I personally reviewed, is some 90 documents. One is a genuine document.

The other 90-some-odd are half overhead: "we'll meet you here"; "send us this there." The other half are UPI or AP tickers. In other words, just one document.

The DIA collection, which I have also reviewed, is nothing but overhead, letters back and forth concerning other documents. So from a research standpoint, zero.

With respect to the Department of Defense, in the new releases I have identified at least 30 documents pertaining to the United States Army that the FBI or mostly the CIA has released. Obviously it considers them assassination-related records or they wouldn't be releasing them. That contained names of Army intelligence agents and agent networks and Army operations against Cuba in conjunction with the CIA.

I have only informally been able to provide same to the Army.

I would be perfectly happy to share them with this Board. It establishes a very wide frame and scope of Army activities that at least other agencies consider assassination-related documents. I think that the Army should be reviewing those.

1 My question is a very general one for a sanity check now.

2 MR. HALL: Did you say sanity check?

3 [Laughter.]

4 MR. NEWMAN: Is it the interpretation of this Board that no  
5 agency under this law has the power to withhold from you a document that  
6 they know and that you have defined properly as an assassination-related  
7 record and that only this Board has the power in the last analysis to withhold  
8 that from the public and not the agency?

9 MR. TUNHEIM: Dr. Newman, that is the position that this Board  
10 in our discussions thus far has taken. We have not had an opportunity to  
11 really communicate that broadly with agencies yet because we haven't been  
12 in a position to do that. We will once our staff is on board this fall.

13 That is our understanding of the intent of Congress in passing the JFK  
14 Records Collection Act which created this Board.

15 Mr. Lesar.

16 MR. LESAR: Jim Lesar, president of the Assassination Archives  
17 and Research Center, 918 F Street, N.W., Room 509, Washington, DC 20004.

18 Chairman Tunheim, I have written a couple of letters presenting  
19 some very specific problems regarding the definition of assassination  
20 records. I wonder whether there is any hope of getting a resolution of  
21 those issues before the fall or whether or not you plan procedurally to  
22 wait until the fall to deal with those issues.

23 MR. TUNHEIM: Mr. Lesar, I appreciated receiving those letters.  
24 We are involved in discussions on those issues. We are very well aware  
25 of the potential problems. From our standpoint, being a part-time board,

1 we really need to have a staff together to begin to research those issues  
2 thoroughly, to have the requisite discussions with the Congress about  
3 correcting any problems that are there. Some of these issues have been  
4 raised with members of Congress and staffs. So they are aware of the issues.

5 It's our view that until we have a staff in place where we can  
6 request a legal opinion from a general counsel, for example, and other  
7 necessary staff work, that we are not really in a very good position to  
8 push resolution of those issues, but that time will come very soon. We  
9 are trying to push it as fast as we can.

10 Mr. Zaid.

11 MR. ZAID: Mark Zaid, 1200 New Hampshire Avenue, N.W., Suite  
12 230, Washington 20036.

13 I want to follow up first on what Jim just touched on and then  
14 ask for a little elaboration on a couple of things. These should be directed  
15 toward Steve Tilley to begin with.

16 I think you had mentioned that you had already gone through  
17 NARA's records and had begun to make some determinations as to what might  
18 have constituted an assassination record initially. I am wondering if you  
19 could elaborate with general descriptions what those records have been.

20 MR. TILLEY: Some of this was done before I came back to take  
21 this position. Members of the access staff here at the National Archives  
22 began the process. We went back through some of the records we already  
23 had in our legal custody to look for documents that we had not located before  
24 or that we knew about but which were related to the assassination so that  
25 they could be incorporated in the collection.

1 Searches were made of the records of the National Archives  
2 itself, particularly correspondence with the Office of the Archivist, and  
3 then of course the unit that was responsible for the work of the Warren  
4 Commission all those years, a branch called the Judicial, Fiscal and Social  
5 Branch in its last orientation, if you will. Those kind of national archives  
6 that were related to the assassination were looked for and then brought  
7 into the collection as related to the assassination.

8 We also looked through records of other agencies that we had,  
9 such as the Office of Management and Budget. We found a small series of  
10 records of the OMB that were related basically to the budgetary  
11 administration of the Warren Commission. Just as this Board is dealing  
12 with the Office of Management and Budget, the Bureau of the Budget at that  
13 time also worked with the Warren Commission. So we brought those records  
14 into the collection.

15 We had some State Department records in our custody that we  
16 went through.

17 Obviously as people went through those files, they made  
18 decisions on what group of records were related to the assassination and  
19 which ones were not. I don't think those decisions were particularly  
20 difficult, but obviously there was a decision-making process there.

21 The second part of that was the part that I alluded to earlier,  
22 my trips to the presidential libraries. The libraries had put together  
23 tentative lists of holdings that they had that seemed to be related to the  
24 assassination. When I visited those libraries I sat down with the staff  
25 there and we looked at those lists and we went through and basically said

1 this is related, this is not. So we made some decisions on what we would  
2 include in the collection.

3 At the same time, for the ones that were in fact determined  
4 not to be assassination records, I said keep the list and we'll show this  
5 to the Review Board, and then if the Review Board wishes to say, no, you're  
6 wrong, this needs to go into the collection, then in fact that will take  
7 place.

8 So there was a two stage process. The library staffs put  
9 together a tentative list of their holdings that seemed to be  
10 assassination-related, and then when I visited those libraries we went over  
11 the list and made some decisions on what we would include and what we would  
12 not include.

13 I don't think there were any major decisions there. It was  
14 a question of degree. As an example, there was a series of records at the  
15 Kennedy Library that an individual had donated which discussed architecture  
16 and art that had been created in the wake of the assassination, things that  
17 were done to commemorate JFK after the assassination. Frankly, I said I  
18 don't think this is an assassination record; this doesn't go to the heart  
19 of what this Board is established to find out. I didn't think that was  
20 a very important series to include in this collection.

21 That is an example of something that we did not include, but  
22 the Board will have a chance to review that decision and to say whether  
23 or not they wish to include it in the collection. Anything that the Board  
24 chooses to include will be entered into the database and will be included  
25 in the collection.

That's roughly what we did.

1  
2 MR. ZAID: I would like to hear some further elaboration on  
3 what I think were comments that Dr. Hall made in Newsday in May or June.

4 One that actually was already referenced were the Post Office files. The  
5 question is the autopsy photographs that you mentioned in the article,  
6 referring to -- was it Dr. Joyce that said that? I'm sorry. In the article  
7 it appeared as if you were saying these were new photographs. Was that  
8 a reference to the Fox set of autopsy photographs?

9 MR. JOYCE: It was not a reference to new photographs.

10 MR. ZAID: It was an additional set that had not been known  
11 about?

12 MR. JOYCE: That's right.

13 MR. ZAID: Is that a reference to the photographs of Secret  
14 Service Agent Fox?

15 MR. JOYCE: It was the information on a second set of existing  
16 photographs.

17 MR. ZAID: The Post Office records. The article indicated they  
18 were records that had been rediscovered by the Post Office, not having known  
19 where they had been filed, but had been made available to the Warren  
20 Commission. Were they available to the researchers, or were they just made  
21 available to the Commission and then filed away and forgotten?

22 MR. TILLEY: I think I can address that. The way those records  
23 came to our attention was this. Out at the Records Center in Suitland,  
24 Maryland, we maintain a large unscheduled accession of Post Office Department  
25 Records. Without getting into the arcane world of archiving too much,

1 agencies retire records to the Records Center under what we call a schedule  
2 which sets forth the information on how records should be retired to the  
3 Records Center and at what time they should be either destroyed or turned  
4 over to the National Archives for permanent retention.

5 However, at the Records Center there are many thousands of feet  
6 of records for which there is no schedule, and the Archives has had a  
7 longstanding project going to attempt to look at those unscheduled materials  
8 out at the Records Center and in fact write a schedule for them so in fact  
9 we can then do something about this large body of records, because under  
10 the law nothing can be destroyed without the approval of the Archivist.  
11 That means you can't destroy unscheduled records because the Archivist has  
12 to approve a schedule for them. We have been working at trying to get all  
13 these records scheduled.

14 One of the people that works for our Office of Records Appraisal  
15 had been assigned the job of doing the Post Office Department records.  
16 In looking at this large unscheduled accession, she came across a series  
17 of records which clearly identified their cooperation with the FBI in  
18 investigating the assassination of President Kennedy. So this lady who  
19 works for the National Archives who found this sent me a message saying,  
20 I found these records, I think you want to know about them. So in fact  
21 that is how they came to our attention.

22 I do not think the Post Office Department frankly knew they  
23 were there. The U.S. Postal Service now. The records were sent out in  
24 the mid-1960s, have been there for 25 or 30 years, and frankly just fell  
25 through the cracks. In an unscheduled accession often an agency will have

1 no record of what is in the accession themselves. I don't think I'm telling  
2 any tales out of school by saying that there are so many records in the  
3 possession of agencies. Frankly, they don't always know what is out there.

4 That's why we go through these records.

5 MS. NELSON: Let me address your question about whether or not  
6 this was in the Warren Commission testimony. This is one of the things  
7 you just almost have to have a staff for. That is to say, putting together  
8 what is public and what agencies asked to be postponed and determining what  
9 was available and when and to whom and all that kind of thing takes a staff.

10 You know how long some of you have spent on this. It takes a group of  
11 people who become very, very familiar with every aspect of what is open  
12 before answers like that can be found. I suppose it would be easy enough  
13 to see if the Warren Commission stuff is all available. Most of us have  
14 read parts of it.

15 I think that really is the answer to your question. That is  
16 the kind of thing our staff will have to do and organize itself to do rather  
17 quickly.

18 MR. TILLEY: There is no doubt that the Post Office Department  
19 records were made available to the Warren Commission. Whether or not they  
20 had access to this entire file now is something, as Anna says, we simply  
21 can't decide until we get that file and then compare it to what we already  
22 have.

23 MR. ZAID: For the record, I don't see anything suspicious with  
24 the Post Office records being found after all these years. I'm surprised  
25 they weren't in Chicago.

[Laughter.]

1  
2 MR. HALL: Mr. Zaid, that was my comment. I think it was very  
3 poignant that these materials would reveal themselves in this particular  
4 way.

5 MS. NELSON: Actually, those of us who have done research at  
6 the National Archives over the years are not at all surprised.

7 MR. TILLEY: I think it's very instructive how there could be  
8 additional assassination records coming to light in a similar manner, because  
9 as has been alluded to, this is not a surprising development at all.

10 MR. TUNHEIM: Any further comment today?

11 [No response.]

12 MR. TUNHEIM: Is there any further business to come before the  
13 Board today?

14 [No response.]

15 MR. TUNHEIM: There is one more administrative point. I am  
16 going to leave a sheet of paper here. Any of you who wish to get updates  
17 from the Board, advance notice of meetings that we can provide specially  
18 to you, we will be glad to do that if we can just get your name and address.

19 We tried to do that for this meeting for those of you that we knew would  
20 be interested, but we want to start compiling a list so that we can be helpful  
21 to anyone who wants to follow our progress throughout the next two years.

22 ADJOURNMENT

23 MR. TUNHEIM: Is there a motion to adjourn?

24 [Motion made and seconded.]

25 MR. TUNHEIM: All those in favor say aye.

[Chorus of ayes.]

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MR. TUNHEIM: Opposed.

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[No response.]

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MR. TUNHEIM: The meeting is adjourned. Thank you all very

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much.

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[Whereupon at 11:28 a.m. the meeting was adjourned.]

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