

MEMORANDUM

October 24, 1996

To: T. Jeremy Gunn, Esq.

From: Ronald G. Haron, Esq.

Subject: Agency Compliance with JFK Act

Per our discussion, I am attaching for your review a model draft letter that I propose we send to each agency that has collected JFK assassination records pursuant to the JFK Act. The letter outlines what the agency must do between now and the Fall of 1997 to document its compliance with the JFK Act (the draft letter relates to the Secret Service).

October 24, 1996

The Honorable Eljay B. Bowron
Director
United States Secret Service
1800 G Street, N.W.
Washington, D.C. 20223

Re: Compliance of the Secret Service with the JFK Assassination Records
Collection Act, 44 U.S. C. Sec. 2107

Dear Honorable Bowron:

This letter hereby constitutes a formal request by the Assassination Records Review Board ("ARRB") to the Secret Service that it undertake certain steps to document its compliance with the President John F. Kennedy Assassination Records Collection Act, 44 U.S.C. Sec. 2107 (Supp. V 1994) ("JFK Act"). The ARRB is making this formal request to all agencies in possession of records related to the assassination of President Kennedy.

The purpose of this request is to provide the fullest assurance to Congress, and ultimately the American public, that the United States Government has faithfully and diligently sought to locate and disclose all of its records relating to President Kennedy's assassination. As you know, among the broad purposes behind the JFK Act was to dispel any public perception that the United States Government is withholding relevant materials on the assassination from the public. *See, e.g., Assassination Materials Disclosure Act*, H. R. Rep. No. 102-625, Part 1, 102d Cong. 2d Sess. (1992) ("The Federal Government's failure to release official materials has contributed to numerous conspiracy theories and fueled charges of government complicity in the assassination . . . a salutary purpose is served in opening these files [regarding the JFK assassination] to allay the suspicion of government cover-up."). The ARRB believes that this purpose can best be effected if each agency fully explains what steps it has taken to locate relevant records that relate to the Kennedy

assassination, including a full explanation of the circumstances surrounding any destruction of such records.

In order to provide to Congress a comprehensive accounting of each federal agency's compliance with the JFK Act, the ARRB hereby requests each agency, including the Secret Service, to take the following measures in accordance with the timetable below:

1. Designation of Responsible Agency Official: By November 15, 1996, each agency shall designate the agency official who is ultimately responsible for assuring that the agency has complied with its obligations under the JFK Act, including the identification, location, and organization of assassination records and the transmission of those records to the National Archives and Records Administration ("National Archives").

2. Declaration of Compliance: By November 30, the responsible agency official shall execute a declaration under oath setting forth the steps that the agency has taken to locate assassination records. The declaration shall include to the fullest extent possible the following information:

a. An identification of all files made available to the Warren Commission, including records made available to the FBI in its capacity as investigator for the Commission, and a description of the ultimate disposition of those files including whether they have been transmitted to the National Archives pursuant to the JFK Act.

b. An identification of all files that were made available to the House Select Committee on Assassinations, and a description of the ultimate disposition of those files including whether they have been transmitted to the National Archives pursuant to the JFK Act.

c. A complete description of all steps that the agency took to identify any assassination records within the possession, custody, or control of the agency, including but not limited to an identification of any departmental file indices consulted, the names and titles of the persons who were tasked with conducting the search, the physical locations for the search, whether the search included active and archive files, the specific steps that were taken to locate and retrieve materials in archives, and the criteria used by the agency to locate assassination records.

d. A description of the steps that the agency took to locate records or files identified to the agency by the ARRB as potentially containing or constituting assassination records.

e. A description of the assassination records that the agency ultimately located in complying with the JFK Act. The description shall include the custodian, origin and identity of the file or record, a summary of the relevant subjects covered by the file or record, and the approximate volume of records located.

f. The status of remaining work to be done by the agency in fully complying with the JFK Act, including a description of any additional searches for files that must be done and the status of any further review and declassification that must be done with respect to assassination records already identified by the agency.

The declaration shall be executed and submitted to the ARRB by December 1, 1996.

3. ARRB Interview With Responsible Agency Official: Shortly after the submission of the agency's declaration, the responsible official shall be made available to the ARRB for an interview regarding the agency's location of assassination records. This will be used as an opportunity to resolve any outstanding matters about the agency's search, including any follow-up tasks to be completed by the agency. The ARRB anticipates that these interviews will be conducted in December 1996 and January 1997.

4. Submission of Final Agency Declaration of Compliance: By July 1, 1997, the agency should expect to complete the process of identification, location, and declassification of its assassination records at which time it will submit to the ARRB a final declaration certifying its compliance with the provisions of the JFK Act. This final declaration shall also supplement the earlier declaration by detailing any further steps that were conducted by the agency in identifying and locating assassination records.

5. Compliance Depositions: Starting on August 1, 1997, the ARRB may conduct depositions of the responsible agency person regarding the agency's compliance with the JFK Act. The decision to take a compliance deposition of an agency will be made on a case by case basis, taking into account the sufficiency of the agency's efforts to fully account for its compliance with the JFK Act. In the event that the ARRB decides to commence a compliance deposition of an agency, the responsible agency designee will be expected to testify under oath with respect to any and all issues relating to the agency's record search, including the scope of the search, the identity of files searched, the destruction of any relevant records, and any other matters set forth in the declarations.

The ARRB respectfully requests that the Secret Service endeavor to comply with the above-outlined program by the dates specified so that the ARRB and all the federal agencies subject to the JFK Act can successfully complete their mission by the statutory deadline set by Congress, which is October 1997. We ask that the Secret Service provide in writing to the ARRB as soon as possible its full intention and commitment to document its compliance with the JFK Act in the manner and by the times set forth herein. Your cooperation is appreciated.

Eljay B. Bowron
October 24, 1996
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Please do not hesitate to contact me to discuss any of these matters further.

Sincerely yours,

David G. Marwell
Executive Director

cc: The Chairman and Members of the Assassination Records
Review Board

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