
Chapter 5:

Federal Agency Compliance with the JFK Act

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Introduction

After passage of the JFK Act in 1992, certain Federal agencies proceeded to search for records relating to the assassination of President Kennedy and to transfer those records to the JFK Collection at the National Archives where they would be made available to the public. Much of this activity took place before 1994, when the Review Board members were nominated by President Clinton. In 1994 and 1995, the Review Board established its staff and began to assess what various agencies so far had accomplished under the JFK Act. The Review Board also commenced requesting that agencies locate certain records to be reviewed for materials on the assassination.

In the Fall-Winter of 1996, the Review Board initiated a formal program to ensure, to the fullest reasonable extent, that all relevant agencies were complying with their obligations under the JFK Act, including their obligations to search for and publicly release records relating to the assassination of President Kennedy. Under this “compliance program,” each agency was asked to submit a declaration, under penalty of perjury, describing the record searches that were undertaken, the assassination records that were located, and any other actions taken to release records on the assassination. The Review Board established this program to in furtherance of the JFK Act’s mandate that there be “an enforceable, independent and accountable process for the public disclosure” of records on the Kennedy assassination. 44 U.S.C. § 2107 (2)(a)(3).

Prior to submission of the agency’s Final Declaration of Compliance, the staff of the Review Board worked with the various agencies to resolve outstanding matters relating to agency compliance with the JFK Act. Among the issues that the Review Board addressed with the agencies were:

(1) the overall scope and adequacy of the agency's record search; (2) making available for inspection by the Review Board specific categories of records to be reviewed for materials on the assassination; (3) providing specific information in response to Review Board requests; (4) explaining the circumstances for the destruction of any records relating to the assassination or otherwise accounting for specific record groups; and (5) processing records in a timely manner for release to the public.

Federal Agency Compliance with the JFK Act

Set forth below is a description of the major activities undertaken by each relevant Federal agency to comply with the JFK Act. For each agency, we have attempted to describe the initial work done by the agency after passage of the JFK Act, as well as follow-up work undertaken by the agency in conjunction with the Review Board.¹

Central Intelligence Agency. The Review Board considered complete disclosure of all CIA records relating to Lee Harvey Oswald and the Kennedy assassination to be of the highest priority. In 1992 and 1993, the CIA's Historical Review Group proceeded to assemble the major collections of CIA records relating to the assassination. These included the Lee Harvey Oswald 201 file, the CIA records on the assassination that were sequestered pursuant to an agreement between the CIA and the HSCA ("the CIA-HSCA Sequestered Collection"), working files on the Kennedy assassination maintained by CIA officer Russ Holmes, minutes of the morning meetings of the Director of Central Intelligence, and working files of the CIA's Latin American section. *See* CIA Initial Statement of Compliance (dated March 19, 1998). The Oswald 201 file, as well as files from the CIA-HSCA Sequestered Collection, were publicly released in some form to the National Archives in 1993. *See id.*

¹Many of the descriptions of the work undertaken by various Federal agencies under the JFK Act were obtained from the initial or final certifications that the agencies submitted to the Review Board regarding their compliance with the JFK Act. Where appropriate, those certifications are cited in this chapter.

Upon assembling its staff responsible for CIA matters, the Review Board commenced a program to request from the CIA certain additional records and information that might relate to the assassination. In all, the Review Board made 16 formal requests for information and records, as well as 37 informal requests. The CIA was generally cooperative in providing the responsive records and information. In many cases, the staff of the Review Board was granted access to review original, unsanitized CIA files to confirm the existence (or non-existence) of materials relating to the assassination, including original office files for the highest officials at CIA during the time of the assassination. As a result of this process, additional CIA records were identified for public release under the JFK Act, including a multi-volume Office of Security file on Lee Harvey Oswald. Other records designated for release included CIA organizational materials; CIA files on Clay Shaw and Jim Garrison; documents on Oswald contained within a CIA Office of Security defector file; excerpts of the calendar for former CIA Director Allen Dulles (who served on the Warren Commission); CIA's security file on Jack Ruby; and designated records from the files of former CIA Director John McCone.

In the Summer of 1998, the Review Board reviewed with CIA several outstanding issues to be addressed in the CIA's final certification of its compliance with the JFK Act. *See* July 15, 1998 Letter from the Review Board to the CIA. The Review Board also expressed to the CIA some concern regarding the adequacy of CIA searches for records relating to the assassination. The Review Board's concern arose out of the CIA's belated discovery of several records relating directly to Lee Harvey Oswald. These records consisted of (a) the Office of Security file on Oswald, (b) a previously undisclosed "continuation" of the Oswald 201 file containing a small number of documents post-dating the 1977-78 HSCA investigation, and (c) []. As a result, the Review Board requested that CIA Director George Tenet issue a directive to all components of CIA requesting that they identify any records relating to the assassination. *See* July 7, 1998 Review Board Letter to the CIA. Such a directive was issued. Other measures were suggested by the Review Board, and these were undertaken by CIA.

On September __, 1998, the CIA submitted, under penalty of perjury, its

Final Declaration regarding compliance with the JFK Act. The CIA represented, among other matters, that: [Discuss significant representations by CIA]. *See* CIA Final Declaration of Compliance (dated September __, 1998).

Federal Bureau of Investigation. Like CIA records, disclosure of FBI records on the assassination were considered by the Review Board to be of paramount importance. After passage of the JFK Act, the FBI established a JFK Act task force and proceeded to transfer to the National Archives its major official files on: the JFK assassination investigation; Lee Harvey Oswald; Marina Oswald; Jack Ruby; and other major figures associated with the events of the assassination (including Ruth and Michael Paine, George DeMohrenschildt, David Ferrie, and Clay Shaw). These files were collected from FBI Headquarters and from the FBI field offices in Dallas and New Orleans. The FBI also began to forward to the JFK Collection various FBI files, including files on organized crime figures, that had been inspected by the HSCA and sequestered pursuant to agreement between the HSCA and the FBI.

Thereafter, the Review Board's FBI team considered other FBI record groups that should be inspected for materials relating to the assassination. Accordingly, the Review Board formally submitted to the FBI [over 50] requests for records that were deemed sufficiently important for review under the JFK Act. The FBI responded to all requests and made available for Review Board inspection all original files sought by the Board. These records included FBI files on various anti-Castro groups, Warren Commission critics, right-wing groups in Dallas, and Edwin Walker to name a few. In addition, the Review Board requested that all files of J. Edgar Hoover, including his Official & Confidential ("O&C") files, be made available for inspection by the Review Board. The Review Board designated, as assassination records, two O&C files that were maintained on John F. Kennedy. Certain other materials were also designated from the O&C files.

See Review Board Staff Memorandum (dated Jan. 8, 1998). The Review Board also asked the FBI to locate certain other records that were apparently maintained by Director Hoover on the assassination. *See* April 22, 1997 Review Board Letter to the FBI. The FBI could not locate or account for

these materials. The Review Board also sought to inspect the office files of Associate FBI Director Clyde Tolson, the number two man at the FBI at the time of the assassination. The FBI made available certain office files of Mr. Tolson from 1965, but could not account for his files from 1963-64.

In April 1998, the staffs of the FBI and the Review Board met to address any outstanding matters with respect to the FBI's compliance with the JFK Act. Among the issues raised by the Review Board staff were the identification of working files for any of the top FBI officials with responsibility for investigating the Kennedy assassination and accounting for all relevant electronic surveillance that related to the assassination.

In August 1998, the FBI submitted its Final Declaration of Compliance. In the Declaration, the FBI represented that [].

Secret Service. Even before the JFK Act was passed, the Secret Service had transferred its official case file on the Kennedy assassination to the National Archives in 1979 [Check-- Was the file opened to the public at that time?]. See Secret Service Initial Statement of Compliance (dated April 30, 1997). Nonetheless, after passage of the JFK Act, the Secret Service conducted additional searches, particularly among its archive holdings, for any additional records relating to the assassination. *Id.* In addition, the Review Board submitted to the Secret Service 21 separate requests for records. The Secret Service was cooperative in making the requested records available to the Review Board. The Secret Service designated, as assassination records under the JFK Act, additional materials beyond those contained in the official case file for the Kennedy assassination. Among the records designated were Secret Service shift reports for the White House Detail for November 1963; Presidential Protective Survey Reports for the period March 1963 through November 1963 (these are files maintained in connection with a Presidential trip or event); and correspondence from the public on Presidential security.

The Review Board also sought to account for certain additional record categories that might relate to the Kennedy assassination. For example, the

Review Board sought to obtain any office or work files that may have been separately maintained by James Rowley, Chief of the Secret Service at the time of the assassination. *See* October 27, 1995 and December 31, 1997 Review Board Letters to the Secret Service. The Secret Service did locate various Rowley correspondence and memoranda, but did not (or could not) provide any information as to the disposition of any working files maintained by Chief Rowley. The Review Board also sought information as to the identity and disposition of any working files maintained by Robert Bouck, who was head of the Protective Research Service at the time of the assassination. *See* January 6, 1997 and December 31, 1997 Review Board Letters to the Secret Service. As head of Protective Research, Mr. Bouck was responsible for the collection of information relating to potential threats to the President and Vice-President. Mr. Bouck testified before the Warren Commission regarding protective intelligence gathered in connection with President Kennedy's trip to Dallas. As with Chief Rowley, the Secret Service identified various Bouck documents, but did not (or could not) account for whether there were any personal working files maintained by Mr. Bouck. [*See* Secret Service Final Declaration of Compliance (dated August __, 1998).

The Review Board also sought from the Secret Service an explanation for the circumstances surrounding the destruction, after passage of the JFK Act, of certain Presidential Protection Survey Reports for President Kennedy (the destroyed materials did not relate specifically to President Kennedy's trip to Dallas, but rather included materials relating to Presidential trips between September 24, 1963 and November 8, 1963, as well as some pre-1963 materials [doublecheck]). The Secret Service formally explained the circumstances of this destruction in correspondence and an oral briefing to the Review Board. *See* March 28, 1996 and July 31, 1995 Secret Service Letters to the Review Board (attached to the Secret Service's Final Declaration of Compliance). The Review Board also sought to learn about the destruction of some other records -- certain 1963 protective intelligence files relating to reported threats to the President arising out of the Dallas area (which files were identified to the Warren Commission) and a file on the Fair Play for Cuba Committee. [Summarize Secret Service response from its Final Declaration].

National Security Agency. Despite the highly classified nature of its work, the National Security Agency (“NSA”) was fully subject to the JFK Act and conducted searches for assassination records after the passage of the Act.
