

Chapter 7: Federal Agency Compliance with the JFK Act

A. Introduction

The JFK Act directed Federal agencies to search for records relating to the assassination of President Kennedy and to transfer those records to the JFK Collection at NARA for public disclosure. As explained earlier in this report, the agencies began their compliance activities even before the Senate confirmed the nomination of the Review Board members in 1994. Once the Review Board convened, it assessed the efforts of Federal agencies to comply with the terms of the JFK Act.

In late 1996, the Review Board initiated a formal program to ensure, to the fullest reasonable extent, that all relevant agencies were complying with the JFK Act. The Review Board's "compliance program" stressed agency obligations to search for and publicly release records relating to President Kennedy's assassination. As part of its compliance program, the Review Board asked each agency to submit a declaration, under penalty of perjury, describing the record searches that it completed, the assassination records that it located, and any other actions it took to release assassination records. The Review Board established the compliance program 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.ⁱ

Before agencies submitted their Final Declarations of Compliance, the Review Board staff worked with the various agencies to resolve outstanding compliance matters. Among the issues that the Review Board addressed with the agencies were: (1) the overall scope and adequacy of the agency's search for assassination records; (2) the adequacy of the agency's responses to the Review Board's requests for additional information and records; (3) the agency's disposition of relevant records, which, in some cases required agencies to account for the destruction of assassination records; and (4) the timeliness of the agency's processing of its assassination records.

B. Federal Agency Compliance with the JFK Act

This chapter sets forth a description of the major compliance activities that each relevant Federal agency completed -- or attempted to complete -- in its efforts to comply with the JFK Act. Each section will describe work that a particular agency completed, both before and during the Review Board's existence.ⁱⁱ The chapter discusses the compliance efforts of those agencies listed below. The agencies are discussed in approximate order of interest, with the most relevant agencies addressed first.

1. Central Intelligence Agency
2. Federal Bureau of Investigation
3. Secret Service
4. National Security Agency

5. Department of State
6. Department of Justice
 - a. Office of Information & Privacy
 - b. Criminal Division
 - c. Civil Division
 - d. Civil Rights Division
 - e. Office of Legal Counsel
7. Department of the Treasury
 - a. Main Treasury
 - b. Bureau of Alcohol Tobacco & Firearms
 - c. Customs Service
 - d. Internal Revenue Service
8. National Security Council
9. President's Foreign Intelligence Advisory Board
10. Immigration & Naturalization Service
11. Office of the Secretary of Defense
12. Defense Intelligence Agency
13. Department of the Army
 - a. Central Security Facility
 - b. Armed Forces Institute of Pathology
14. Department of the Navy
 - a. Office of Naval Intelligence
 - b. National Naval Medical Center in Bethesda
15. Department of the Air Force
16. Joint Chiefs of Staff
17. White House Communications Agency
18. Postal Service
19. Drug Enforcement Administration
20. Library of Congress
21. National Archives and Presidential Libraries
 - a. National Archives, Washington, D.C.
 - b. National Archives -- Southwest Region, Fort Worth, Texas
 - c. Gerald R. Ford Library
 - d. John F. Kennedy Library
 - e. Lyndon B. Johnson Library
22. General Services Administration
23. Congressional Records
 - a. House Select Committee on Assassinations
 - b. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities ("the Church Committee")
 - c. House Select Committee on Intelligence ("the Pike Committee")
 - d. House Judiciary's Subcommittee on Civil & Constitutional Rights
 - e. House Government Operations Subcommittee on Government Information

- and Individual Rights
- f. House Committee on Un-American Activities
- g. Other Congressional Records

Central Intelligence Agency. The Review Board has considered the CIA's compliance with the JFK Act, including complete disclosure of all CIA records relating to Lee Harvey Oswald and the Kennedy assassination, to be one of its highest priorities.

The CIA's efforts to comply with the JFK Act were undertaken through the auspices of the Agency's Historical Review Program (previously the Historical Review Group or HRG) under JFK Program Chief J. Barry Harrelson. HRP reviewed documents, referred documents within CIA, answered questions, negotiated issues with the Review Board staff, and, after Board voting, processed documents for release to the National Archives. The HRP reviewers were all CIA annuitants, with twenty years or more experience, working as independent contractors. Beginning with a 14-member staff in 1992, the staff grew steadily to 29 reviewers and 9 administrative personnel by the Summer of 1998. HRP also drew on the resources of numerous other offices at CIA for record searches, answers to Review Board questions, and the provision of materials for inspection by the Board. From 1992 until December 1997, HRG functioned as part of the Center for Studies in Intelligence and, its Chief, John F. Pereira, was the Director of Central Intelligence's personal representative to the Review Board. In January 1998, an internal CIA re-organization renamed HRG the Historical Review Program and moved it to join other CIA declassification efforts in the Office of Information Management under Director Edmund Cohen.

In 1992 and 1993, the CIA's Historical Review Group proceeded to assemble the major collections of CIA records relating to the assassination. In early 1992, prior to enactment of the JFK Act, the Chief of the History Staff located and inventoried the CIA records on the assassination that were sequestered pursuant to an agreement between the CIA and the HSCA ("the CIA-HSCA sequestered collection"). This material comprised 64 boxes. In addition, the History Staff secured the 16 boxes of the original Lee Harvey Oswald file 201 file. *See* CIA Final Declaration of Compliance (dated September 2, 1998), at Attachment II. Following passage of the JFK Act, the CIA reviewed and declassified the Oswald 201 file and files within the CIA-HSCA sequestered collection, and in 1993 the CIA transmitted those records to the JFK Collection at the National Archives.

In October 1993, the CIA's Historical Review Group ("HRG") requested the various CIA directorates to search for additional records on Lee Harvey Oswald and on the JFK assassination. *See id.*, at Attachment II. (The directorates were the Directorate of Operations, the Directorate of Intelligence, the Directorate of Administration, and the Directorate for Science & Technology.) As a result of this search directive, the CIA identified 31 boxes of potentially responsive records, and these were forwarded to the HRG for review under the JFK Act. *See id.*, at Attachment II. Included were 19 boxes of working files on the Kennedy assassination by CIA officer Russ Holmes ("for many years [he] was the Agency's focal point officer with

responsibility for responding to questions related to [CIA's] assassination-related records"); two boxes on KGB defector Yuri Nosenko; seven boxes of Latin American Division records; and three boxes related to the Bay of Pigs. *See id.* The Review Board identified 22 of these boxes as responsive under the JFK Act, although many of the records were duplicates of records contained in the Oswald 201 file or the CIA-HSCA sequestered collection files. *See id.*

As Chapter 6 of this Report describes, the Review Board requested numerous categories of additional CIA records in an effort to ensure the most complete disclosure of information relating to the Kennedy assassination. The Review Board made 16 formal requests in writing, as well as 37 informal requests made in the course of the CIA and Review Board staffs working together. (Both the formal and informal requests, and the CIA responses, are documented in the records of the Review Board.)

In anticipation of the Review Board's requests for additional information and records, the CIA, in April 1995, requested each directorate and the DCI administrative officer "to appoint a focal point officer" for the JFK Act. *Id.* Review Board's inquiries thus could be referred by the HRG to the appropriate CIA office. A number of CIA officers facilitated the difficult process of securing access to CIA files, as well as negotiating issues relating to the release of records. These officials included JFK Project Chief J. Barry Harrelson, former HRG Chief John F. Pereira, and current HRP Chief James R. Oliver. The Review Board did encounter CIA resistance to making records available to the Review Board, as well as resistance to ultimate disclosure of records. This resistance came almost exclusively from the Directorate of Operations, whose records are not usually subject to public disclosure [can we say this? Are DO records opened under FRUS, the EO 12958, or FOIA?]. While various offices within the CIA took hard-line positions against release of certain records, and argued for continued secrecy, the Review Board staff was often able to deal with knowledgeable CIA officers who could reasonably balance the public interest in disclosure with legitimate needs for continued secrecy on limited issues. Ultimately, the Review Board was not aware of any records being deliberately withheld from the Board.

In response to the Review Board requests, the Board staff was granted access to review original, unsanitized CIA files -- including original files of the highest officials at CIA during the time of the assassination -- to confirm the existence (or non-existence) of materials relating to the assassination. Because the CIA files necessarily covered other matters in addition to the the assassination, the CIA was initially reluctant to provide wholesale files for Review Board inspection. In order to obtain access to certain sets of files, and thus examine them in their original form, the Review Board agreed to limit access to one or two Board staff members. The Board believed that agreeing to this limitation was of practical benefit because it secured, for the Board, entire original sets of files that were not pre-reviewed by CIA.

As a result of the Review Board's requests and inspection of various CIA files, the CIA identified additional materials relating to the assassination in addition to those initially identified in 1992 and 1993. Among the additional CIA records identified for public release were

CIA organizational materials; designated records from the files of former CIA Director John McCone; 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); and a CIA security file on Jack Ruby.

In 1997, the CIA provided the Review Board staff with several briefings by representatives of each directorate with respect to their files and record keeping systems, and as to their searches for assassination-related records. *Id.* In conducting its searches for records on the assassination, the CIA conducted both manual and electronic database searches. *Id.* In 1998, the Review Board expressed to the CIA concern regarding the adequacy of CIA's record searches. The Review Board's concern arose out of the CIA's belated discovery of several files relating directly to Lee Harvey Oswald, including (a) a multi-volume 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; (c) another, small file on Oswald designated by the CIA as an "A" file; and (d) a 1990 KGB defector file that contained information relating to Lee and Marina Oswald. None of these files had been identified by the CIA in 1992-93, when CIA first assembled its files on the Kennedy assassination. The belated discovery of these records disturbed the Review Board, particularly given its mandate to assure the public that all relevant materials on the Kennedy assassination were being released by the U.S. Government.

In an effort to ensure that the CIA had conducted thorough and adequate searches under the JFK Act, the Review Board specifically 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. Director Tenet issued the directive. Other measures were suggested by the Review Board, and these were undertaken by CIA.

In its Final Declaration of Compliance, the CIA stated that each of its directorates, as well as the official responsible for the DCI area, had certified that "their respective offices or directorates [had] properly and fully responded to requests from the Board." CIA Final Declaration, Declaration of Edmund Cohen ¶ 3. CIA further represented, under oath, that it had "made diligent searches to locate and disclose . . . all records in its possession relating to Lee Harvey Oswald and the assassination of President Kennedy" and that it was "aware of no other assassination-related records in its possession being withheld . . ." *Id.* ¶ 4.

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. Before passage of the JFK Act, the FBI sought to identify and collect all of its major files on the Kennedy assassination. This effort was undertaken in connection with the anticipated Congressional testimony of FBI Director William Sessions regarding the then pending JFK Act bill to open up U.S. Government records on the Kennedy assassination. *See* FBI Initial Statement of Compliance (dated June 23, 1997).

The FBI represented to the Review Board that it searched its automated and manual indices to its central records systems and its “automated ELSUR index.” (The ELSUR index “covers electronic surveillance sought by or conducted by the FBI since January 1, 1960.”). *See id.* The searches, encompassing “all core and related subjects,” were conducted at FBI headquarters, as well as field and legat offices. (“Core and related” subjects, as defined by the FBI, encompassed the major subjects associated with the assassination story, including Lee Harvey Oswald, Marina Oswald, John F. Kennedy, Marguerite Oswald, George DeMohrenschildt, Ruth and Michael Paine, Clay Shaw, and David Ferrie.). *See id.*

With 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 figures associated with 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 FBI field offices, including most importantly the Dallas and New Orleans offices. Many of these key FBI files had been previously identified over the years through FBI responses to FOIA requests (these files came to be known as the “core and related” files). 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 later sequestered pursuant to agreement between the HSCA and the FBI.

After appointment of the Review Board members, the Board established a team of staff members devoted to identifying and seeking release of other FBI records relating to the assassination. Additional categories of FBI records were identified for inspection both through Review Board research, as well as public suggestions. The Review Board formally submitted to the FBI over 50 requests for additional 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 original files sought by the Board. These records included FBI files on Edwin Walker, various anti-Castro groups, Warren Commission critics, and right-wing groups in Dallas to name a few. (For a more detailed discussion of additional FBI records identified by the Review Board, see Chapter 6). 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.

Both in January 1997 and 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. The compliance program with the FBI focused primarily on the adequacy of the FBI's searches under the JFK Act. While the FBI had previously identified the major official files relating to the assassination, and had provided the files that were sought under the Review Board's formal requests, the Review Board staff raised certain additional records issues, including identification of any working files for the top FBI officials with responsibility for investigating the Kennedy assassination and accounting for all relevant electronic surveillance that related to the assassination. See January 22, 1997 and May 11, 1998 Review Board Letters to FBI.

On the issue of electronic surveillance, the FBI requested all 56 of its field offices to identify any electronic surveillance in which key persons associated with the assassination were either speaking, or referred to, in conversations monitored by the FBI. The FBI searched its "elsur indices" under Lee Harvey Oswald, Marina Oswald, Jack Ruby, John F. Kennedy, Marguerite Oswald, George DeMohrenschildt, Ruth Paine, Michael Paine, Clay Shaw and David Ferrie. See FBI Final Declaration of Compliance (dated August 20, 1998). The FBI certified that it identified only one instance where a key individual was the target of an FBI elsur, and that was the electronic surveillance of Marina Oswald in Dallas following the assassination. All other relevant electronic surveillance identified by the FBI (from less than 10 field offices) consisted of so-called "overhears," where a person is mentioned in a conversation.ⁱⁱⁱ While the Review Board did not have an opportunity to review all results of this elsur search at the time of this Report, a preliminary review by Board staff disclosed no elsur of investigational significance to the Kennedy assassination. Nonetheless, the FBI certified that these would be reviewed and processed, as appropriate, under the JFK Act. See *id.* Other electronic surveillance, including of organized crime figures, was processed under the JFK Act to the extent identified or made available to the HSCA. In addition, the Review Board specifically designated electronic surveillance on Carlos Marcello, a New Orleans organized crime figure, in connection with the Government's Brilab investigation, and the FBI released those portions relating to the assassination.

Because the FBI has a well-indexed, centralized file system, the FBI's official main files on the Kennedy assassination and on key figures associated with the assassination story were readily identified and processed under the JFK Act. However, the Review Board sought to determine whether or not the FBI maintained work or office files on behalf of the top FBI officials with responsibility for investigating the assassination and assisting the Warren Commission. Acting on the Review Board's inquiry, the FBI requested "all FBIHQ Divisions . . . to conduct searches for any materials not retrievable through" the FBI central records system and that may have been maintained by top FBI officials. See FBI Declaration, at 4. No additional significant work files of top FBI officials were uncovered by FBI.

The bulk of FBI records relating to the assassination have been placed in the JFK Collection. However, at the time of this Report, the FBI was still processing some additional materials for inclusion in the JFK Collection..

Secret Service. The major contribution by the Secret Service to the JFK Collection is the Secret Service's official file on the Kennedy assassination (Secret Service File No. 34, 030), which the Secret Service transferred to the National Archives in 1979.^{iv}

After the JFK Act was passed, the Assistant Director for the Office of Administration requested, in December 1992, that an inventory be done for records relating to the assassination. In response, the Chief of the Policy Analysis & Records Systems Branch within the Office of Administration reviewed the inventories of Secret Service records in storage. In addition, Secret Service made these inventories, as well as actual archive records, available to the Review Board staff for inspection. In 1995, the Assistant Director for the Office of Administration instructed each Assistant Director and the Chief Counsel to search for assassination-related records. In December 1996, another search directive was issued by the Assistant Director for Administration to each employee. *See Secret Service Initial Compliance Statement* (dated April 30, 1997).

In addition to the Secret Service's review of its archival records, the Review Board submitted to the Secret Service 21 separate requests for records. The Secret Service was generally cooperative in making the requested records available to the Review Board. As a result of the Service's own searches, as well as Review Board requests for records, the Secret Service identified, as assassination records under the JFK Act, additional materials beyond those contained in the official case file for the Kennedy assassination. Among the records identified were Secret Service shift reports for the White House Detail for November 1963; Presidential Protective Survey Reports for the period 1961 through December 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 designated, as assassination records, a master logbook listing all protective intelligence cases maintained by the Secret Service in the early 1960's, as well as some actual protective intelligence files.

The Review Board also sought to obtain any office or working 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. In this capacity, 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 information 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.^v

The Review Board also requested the Secret Service to explain 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 [double check]). The Secret Service formally explained the circumstances of this destruction in correspondence and an oral briefing to the Review Board.^{vi} 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 information regarding a protective intelligence file on the Fair Play for Cuba Committee ("FPCC") and regarding protective intelligence files relating to threats to President Kennedy in the Dallas area (the Dallas-related files were disclosed to the Warren Commission). See June 26, 1998 and July 29, 1998 Review Board Letters to the Secret Service. The FPCC and Dallas-related files apparently were destroyed, and the Review Board sought any information regarding the destruction. See July 29, 1998 Review Board Letter. [Summarize Secret Service response from its Final Declaration].

National Security Agency. Despite the highly classified nature of its operations, the National Security Agency ("NSA") was fully subject to the JFK Act and did conduct searches for assassination records as required by the Act. In March 1993, NSA's Deputy Director of Plans, Policy, and Programs (DDP) directed that an NSA-wide search be conducted for records responsive to the JFK Act. Within NSA, the Office of Policy was designated to coordinate review of NSA's assassination-related records. See NSA Final Declaration of Compliance (dated August 18, 1998) ¶ 2. According to NSA, "[a] search of all files and databases believed to hold such [assassination-related] records was conducted by each of the Directorates within NSA" *Id.* In addition to database searches, ten individuals were assigned to hand-search approximately 200 boxes of archived material from the 1963-64 time frame. *Id.* ¶ 3. Further searches were undertaken by the Directorate of Operations and the NSA Archives in response to specific requests of the Review Board in 1995. As a result of NSA's 1993 and 1995 searches, NSA identified a total of 269 records to be processed under the JFK Act. *Id.* ¶ 6.

A further hand search of NSA archives was conducted in 1998 based on the Review Board's inquiry regarding the absence of critical intelligence reports (known as "CRITICS") on the assassination of President Kennedy. *Id.* ¶ 7. NSA sought to ensure that all responsive records were located and conducted an additional hand search of NSA archives which "involved more than 35 individuals searching approximately 5.5 million pages of information." *Id.* ¶ 7. As a result, an additional 109 records were identified for processing under the JFK Act. Members of the Office of Policy also hand searched six linear feet of archived records relating to specific targets that had been identified by the Review Board as potential sources of information relating to the assassination. No assassination records, however, were located from this latter search. *Id.*

Many of the assassination records located by NSA came from archival holdings of its Legislative Affairs Office and General Counsel's Office and related to NSA responses to prior investigational inquiries regarding the assassination.^{vii} In March 1995, the NSA briefed the

Review Board as to how it had conducted its searches for assassination records and, in addition, submitted answers to specific questions submitted by the Review Board as to records that NSA might have relating to the assassination. *See* June 1, 1995 NSA Letter to the Review Board. The Review Board thereafter submitted additional questions to NSA, particularly regarding intelligence holdings that NSA might have relating to Cuba or the Soviet Union. *See* August 29, 1995 and November 28, 1997 Review Board Letters to NSA (the November 28, 1997 Review Board Letter to NSA remains classified). NSA was cooperative in answering the Review Board's questions, including submitting a detailed set of responses to Review Board inquiries regarding intelligence holdings on Cuba and the Soviet Union that might lead to relevant information relating to the assassination. *See* April 1, 1998 NSA Letter to the Review Board (attached in redacted form to NSA's Final Declaration). NSA stated that "both Cuba and the USSR were targets of high interest during the time of the assassination," and that NSA files relating to those countries were searched. NSA concluded that "[t]hese searches produced records that primarily reflected reactions to the assassination." NSA Final Declaration ¶ 9.

In addition to seeking relevant intelligence records relating to Cuba and the Soviet Union, the Review Board requested that NSA locate the original files of top NSA officials during the period of the Warren Commission (NSA Director Lt. Gen Gordon Blake and NSA Deputy Director Dr. Louis Tordella). NSA located materials on the Warren Commission from files of Deputy Director Tordella and, at the time of this report, was still trying to locate the files of the NSA Director for the relevant time period.

With respect to NSA's review of its intelligence holdings, NSA "certifie[d] that it has neither located, nor is it withholding, any intelligence records containing information of investigatory significance to the Kennedy assassination." NSA Final Declaration ¶ 10. NSA advised the Review Board that its relevant intelligence records had "report[ed] on reactions to the assassination" and that they did not contain "unique information" on the "planning , execution, or investigation" of the assassination. *Id.*

Department of State. The State Department's main record holdings regarding the assassination were transferred to the National Archives in 1989. These were so-called "lot files" (numbered 69 D 186 and 85 D 275) consisting mostly of records relating to the State Department's work relating to the Warren Commission investigation. The files came from the State Department Legal Advisor's Office and from the Office of Security and Consular Affairs.^{viii} With passage of the JFK Act, the State Department opened these files to the public in August 1993. *See* State Department Final Declaration (dated March 18, 1998)..

After passage of the JFK Act, the Department of State devoted considerable resources to carrying out its obligations under the Act. The Department designated its Office of Freedom of Information, Privacy & Classification Review (of the Bureau of Administration) as the entity responsible for identifying and processing assassination records under the JFK Act. *See* Department of State Final Declaration of Compliance (dated March 18, 1998). The office in turn appointed a retired State Department historian to coordinate the Department's JFK Act

compliance.

The State Department staff conducted numerous searches of its records to ensure compliance with the JFK Act. For example, in 1993, the Department searched its Central Foreign Policy records. *Id.* The search included a review of manifests of retired files of Departmental offices and foreign posts, as well as computerized searches of its automated document systems. Also in 1993, the Assistant Secretary of State for Administration formally requested various offices within the Department to search for records relating to the assassination.

Among the records located by the Department were 25,000 pages of material relating to condolences, funeral attendance arrangements, and memorial activities. Also, “virtually every diplomatic conversation held during the month or so after the assassination contained oral condolences or references to the recent American tragedy.” *Id.* After processing approximately 3,000 such records for the JFK Collection, the Department discontinued processing these kinds of records and “restricted its search to documents relevant to the murder investigation.” *Id.* The Review Board did not object to this approach.

Extensive resources were also devoted to the declassification of State Department records under the JFK Act. Former Foreign Service Officers, working as re-employed annuitants, reviewed State Department-originated documents and documents referred by other agencies to State. Other entities within the State Department also participated in review and declassification, including the Bureau of Diplomatic Security, the Office of Passport Policy, and the Bureau of Intelligence & Research. State Department reviewers were sent to the National Archives, the CIA, the House and Intelligence Committees, and the JFK Library to review and declassify State Department records. More than 10,00 such records were processed under the JFK Act. In addition, State Department reviewers processed approximately 4,500 documents referred to State from other agencies. *Id.*

Since 1997, a team of State Department reviewers also has been declassifying Department records pursuant to Executive Order 12958. These reviewers were instructed to identify any assassination-related materials in the course of their review. Furthermore, many of the record groups that were searched under the JFK Act were forwarded to the National Archives under the Executive Order on declassification.

Among the records identified under the JFK Act and transferred to the National Archives were: a lot file on the assassination (Lot No. 79 D 248 [double check that this is at NARA]; diplomatic cables regarding foreign reaction to the assassination; records from the Mexico City Post File (Lot No. 69 F 197); documents from the records of Llewellyn E. Thompson, former Ambassador to the Soviet Union; records of Secretary Dean Rusk, including memoranda summarizing telephone conversations he had regarding the assassination; and working files on the assassination maintained by U. Alexis Johnson, then Deputy Undersecretary of State. *See* April 23, 1997 Review Board Staff Memorandum.

The Review Board's main efforts under the JFK Act were to ensure that the State Department had inventoried all files of the top State Department officials who would have had some official involvement with the investigation of the assassination, including Secretary of State Dean Rusk, Under Secretary George Ball, Deputy Undersecretary Alexis Johnson, Ambassador Thompson, Ambassador Thomas Mann, and certain other State Department officials. *See* April 21, 1997 Review Board Letter to the State Department. The State Department was very cooperative in making available to the Review Board manifests for these archive records and, in many cases, the files of these officials were transferred to the National Archives pursuant to the declassification requirements specified in Executive Order 12958. *See* August 7, August 20, 1997, and January 15, 1998 State Department Letters to the Review Board. In view of the State Department's representations regarding its declassification efforts under the Executive Order, the Review Board determined that a further detailed review of these records for assassination-related materials was not necessary. *See* December 29, 1997 and January 15, 1998 Review Board Staff Memoranda.

Department of Justice. The Review Board considered Department of Justice records to be of significance under the JFK Act. The Review Board worked separately with each of the relevant divisions of the Department of Justice to identify and release records under the JFK Act.

Accordingly, the Review Board worked with the Office of Information & Privacy ("OIP"), responsible for so-called "leadership offices;" the Criminal Division; the Civil Division; the Civil Rights Division; and the Office of Legal Counsel. The work of each Division is summarized below.

OIP. This office is responsible for records of the "leadership offices" of the Department of Justice, including records of the Attorney General, Deputy Attorney General, and Associate Attorney General. In addition, OIP is responsible for handling FOIA requests and appeals directed against all entities within the Department of Justice. OIP had considerable staff assigned to carry out its obligations under the JFK Act, including a senior counsel, a Department of Justice archivist, and two FOIA/declassification specialists. The senior counsel was appointed as the OIP representative to coordinate OIP's efforts under the JFK Act.

After passage of the JFK Act, OIP had identified materials relating to FOIA litigation over records relating to the JFK assassination, and these materials were placed in the JFK Collection.^{ix} OIP also located and designated as assassination records the following: (1) certain files of Robert Keuch, who was DOJ's liaison to the HSCA; (2) a file of Attorney General Edward Levi (entitled, "FBI/JFK Assassination Investigation"); (3) a file of Attorney General William Barr; (4) files from DOJ's Office of Public Affairs; (5) documents from DOJ's Departmental Review Committee involving administrative appeals of FOIA requests; and (6) an historical file containing assassination-related documents from "leadership offices" and that have been the subject of past FOIA litigation.^x

The Review Board raised with OIP the issue of whether there were any separately

maintained files for Attorneys General Robert F. Kennedy, Nicholas Katzenbach, and Ramsey Clark in view of their positions and respective involvement with investigations of the assassination. See December 10, 1996 and March 31, 1997 Review Board Letters to OIP. OIP reported that records of the Attorney General and Deputy Attorney General were not maintained as a separate file system until 1975 under Attorney General Edward Levi.^{xi} Two archivists for the Department of Justice also confirmed that distinct files for the Office of Attorney General were not archived prior to 1975 and that there were no separately maintained files for Messrs. Kennedy, Katzenbach, and Clark (any such files were most likely to be at a Presidential Library). See OIP Final Declaration; March 31, 1997 Review Board Letter.

With respect to Attorney General files post-dating 1975, the Review Board sought to inspect the files of Attorney Generals Edward Levi and Griffin Bell for any materials relating to the Kennedy assassination investigations of the Church Committee and the HSCA. OIP made available for inspection certain original files for Attorneys General Levi and Bell, and additional assassination records were designated. The designated files related mostly to DOJ's work with the HSCA and the Church Committee. See Oct. 8, 1997 Review Board Staff Memorandum; October 9, 1997 Review Board Letter to OIP.

Criminal Division. After passage of the JFK Act, the Acting Assistant Attorney General for the Criminal Division instructed high-level officials within the Division to forward any assassination records to the Freedom of Information/Privacy Act ("FOI/PA") Unit within the Division. In addition, record searches were conducted by the FOIA/PA Unit and the Criminal Division Records Unit. Files relating to the assassination were identified and placed into the JFK Collection in 1993. See Criminal Division Final Declaration of Compliance (dated September 2, 1998). Among the Criminal Division files in the JFK Collection are the Division's main file on the assassination (DOJ File No. 129-11) and a file on FBI handling of the assassination investigation (DOJ File No. 51-16-1113). In the course of complying with the JFK Act, the Criminal Division utilized four attorneys and support personnel. See Criminal Division initial Statement of Compliance (dated January 29, 1997).

After surveying the materials that the Criminal Division had identified, the Review Board requested that the Division make available certain additional files. For example, the Review Board requested that the Criminal Division make available all files separately maintained by Herbert J. Miller, Jr., Assistant Attorney General for the Criminal Division at the time of the assassination. (Mr. Miller had been designated as DOJ's "liaison" to the Warren Commission. See February 24, 1964 Memorandum of Mr. Miller). The Review Board also sought the files of J. Walter Yeagley, Assistant Attorney General for the Internal Security Division, to determine whether he (or his office) had any pre-assassination records relating to Oswald. See December 11, 1996 Review Board Letter to the Criminal Division. The Criminal Division represented that no discrete files were maintained for Messrs. Miller¹ and Yeagley.^{xiii}

¹ Mr. Miller was later subpoenaed by the Review Board, and he had retained numerous records from his tenure as Assistant Attorney General for the

The Review Board also sought to inspect the Criminal Division's extensive files on certain organized crime figures in view of various assertions that organized crime was involved in the assassination of President Kennedy. The Review Board therefore asked to see organized crime files on individuals who were alleged to have had involvement in the assassination, who were associated in some manner with Jack Ruby, or who had made claims of organized crime involvement in the assassination. See April 8, 1997 Review Board Letter to the Criminal Division. These files were reviewed by the Review Board staff, and specific materials were designated as assassination records. See November 24 and December 22, 1997 Review Board Letters to the Criminal Division; June 18, 1998 Review Board Staff Memorandum. As noted by the Criminal Division, the Division had, "[i]n an unprecedented approach, . . . fully opened its files and indices to the Review Board." See Criminal Division Final Declaration. "Hundreds of organized crime case files and other files of a general nature were made available for Review Board staff scrutiny" *Id.*

Criminal Division.

In addition to the organized crime records, the Review Board requested that the Criminal Division undertake a further search for: internal security records that might relate to Oswald; records relating to the Jim Garrison investigation; and records relating to the Criminal Division's review of the HSCA's acoustical findings.² See December 11, 1997 Review Board Letter to the Criminal Division. As a result of this request, additional original files were made available by the Criminal Division for inspection by the Review Board, and certain materials were designated as relating to the assassination. They included records on the Fair Play for Cuba Committee ("FPCC"), Vincent T. Lee (President of the FPCC), Yuri Nosenko, George DeMohrenschildt, and Major General Edwin Walker. See May 11, 1998 Review Board Letter to Criminal Division. No further records were located specifically on Oswald except some copies of miscellaneous letters of the Oswalds to and from the Soviet Union. See *id.* No further materials were located regarding the Garrison investigation or regarding the DOJ's re-examination of the HSCA acoustical study.³ See *id.*

At the time of this Report, major categories of assassination records in the custody of the Criminal Division had not yet been transferred to the JFK Collection at the National Archives. These included the organized crime and internal security records that had been identified by the Review Board. The Review Board is disappointed that these records have not been released at this time, but has received the Criminal Division's firm commitment to complete the process of declassification. See *id.* In addition, the Criminal Division has generated additional records regarding recent ballistics testing of one of the bullet fragments and has committed to placing those records in the JFK Collection.

Civil Division. In March 1993, the Acting Assistant Attorney General for the Civil Division directed all Division offices to identify any assassination-related records that might be in their custody. In addition, the Civil Division appointed the Division's Attorney in Charge of its FOI/PA Unit to coordinate release of assassination records under the JFK Act. See Civil Division Final Declaration of Compliance (dated July 29, 1998) & Exhibit A thereto.

As a result of the search directive, the Civil Division identified four categories of records potentially responsive to the JFK Act: (1) case files relating to FOIA litigation in which plaintiffs sought access to U.S. Government records on the Kennedy assassination; (2) a case file relating to compensation for the U.S. Government's taking of the Oswald rifle (*Marina Oswald Porter v. United States*) (this file, however, had been destroyed in 1991 through routine document destruction practices); (3) a Criminal Division file (No. 129-12-3) relating to the Kennedy family's agreement to donate certain personal items of President Kennedy to the National

²The HSCA Report concluded, based on acoustical analysis, that four shots were fired at President Kennedy. The National Academy of Sciences, working at the request of the Department of Justice, later re-examined the HSCA's acoustical findings.

³ The Criminal Division had earlier confirmed that documents on this topic were being processed under the JFK Act. See Criminal Division Initial Statement of Compliance, at 11-12.

Archives; and (4) miscellaneous materials relating to the assassination located with the Director of the Federal Programs Branch. *Id.*

In 1993, the Civil Division transferred to the National Archives the small collection of documents that had been discovered among the secured files of the Director for the Federal Programs Branch. This collection of materials included pictures of the President's clothing after the assassination, documents relating to the autopsy, and memoranda relating to the availability of Warren Commission materials.^{xiii} Aside from these materials, no other assassination-related records had been placed in the JFK Collection at that time.

Because the Civil Division defends Federal agencies in suits arising under the Freedom of Information Act ("FOIA"), the Division had numerous files on FOIA suits involving requests for Government records on the Kennedy assassination. Accordingly, the Review Board requested that the Civil Division release, under the JFK Act, its FOIA litigation case files relating to assassination records. *See* February 28, 1997 and December 1, 1997 Review Board Letters to the Civil Division. Initially, the Civil Division took the position that FOIA litigation files on JFK assassination records need not be reviewed or released under the JFK Act. *See* July 1, 1997 Civil Division Letter to the Review Board. However, the Review Board prevailed upon the Civil Division to release these FOIA files under the JFK Act. The various JFK-related FOIA cases were identified to the Civil Division by the Review Board (*see* December 1, 1997 and March 6, 1998 Review Board Letters), and they were transmitted to the JFK Collection.^{xiv} ⁴ (For a description of some of the major FOIA files, see March 6, 1998 Review Board Staff Memorandum).

Civil Rights Division. The Civil Rights Division located one major file under the JFK Act -- a file relating to civil rights complaints made against New Orleans District Attorney Jim Garrison (DOJ File No. 144-32-1220). That file was placed in the JFK Collection.^{xv}

Office of Legal Counsel. The Office of Legal Counsel collected documents spanning from 1963 to the 1970's and pertaining to legal aspects of the assassination, including legal issues involved in the start-up of the Warren Commission, public access to Warren Commission evidence, proposed legislation making Presidential assassination a federal crime, and responses to public inquiries about the assassination. These records have been transmitted to the JFK Collection. *See* December 13, 1996 Review Board Letter to OLC; October 27, 1997 OLC Letter to National Archives.

Department of Treasury. The Review Board worked with various components of the Department of Treasury, including Main Treasury (*i.e.*, the Office of the Secretary), Secret Service (discussed above), the Internal Revenue Service ("IRS"), the Customs Service, and the Bureau of Alcohol, Tobacco & Firearms ("ATF").

⁴ For a description of some of the major FOIA files, see March 6, 1998 Review Board Staff Memorandum.

Main Treasury. In December 1992, the Assistant Director for Policy, Plans and Paperwork Management requested the Departmental Offices Records Officer to identify any assassination-related records under the JFK Act. No assassination records were identified at that time. See Main Treasury Final Declaration of Compliance (dated August 12, 1998) ¶ 1. In 1995, the Review Board specifically requested that Main Treasury review its holdings to identify any records relating to the assassination, including records of C. Douglas Dillon, Secretary of the Treasury at the time of the assassination and Warren Commission investigation. See May 24, 1995 Review Board Letter to Main Treasury. In the Summer of 1995, the Review Board staff independently reviewed archive transmittal forms for Treasury records and identified certain Treasury records for review. These were then made available by Treasury to the Review Board.

As a result of its review, the Review Board staff identified files of J. Robert McBrien relating to his work as Treasury's liaison to the HSCA and Church Committee.^{xvi}

In late 1996, Main Treasury designated the Departmental Offices' Records Officer to coordinate Treasury's work under the JFK Act. See Main Treasury Final Declaration ¶ 9. In addition, a senior attorney from the Office of General Counsel was tasked to handle JFK Act matters. These officials assisted in the processing of identified assassination records and in making available to the Review Board additional records for inspection.

The Review Board staff in 1997-98 continued to review additional Treasury files, including files at the National Archives. No other assassination-related records were identified except some records of Treasury's General Counsel relating to the Warren Commission investigation, as well as some miscellaneous records for Secretary Dillon. See September 30, 1997 Review Board Letter to Main Treasury; see also Review Board Staff Memoranda dated Sept. 18, 1995, May 29, 1997, Nov. 5, 1997, and Jan. 23, 1998 (summarizing Review Board inspection of Treasury records at the National Archives).

The Review Board requested a complete accounting for the files of high-level Treasury officials who would have had involvement in the JFK assassination investigation, particularly in light of the fact that Secret Service was under Treasury and ultimately reported to Secretary Dillon. Accordingly, the Review Board asked for an accounting of the files of Secretary Dillon, Special Assistant to the Secretary Robert Carswell, Treasury Secretary John Connally, and General Counsel at the time of the Warren Commission investigation G. D'Andelot Belin. In addition, the Review Board sought any files relating to President Johnson's Committee on the Warren Commission (headed by Secretary Dillon) and files on investigative work that Treasury undertook for the Warren Commission.^{xvii} Treasury records officials reviewed its inventories and reported that its "review disclosed no additional JFK-related records."^{xviii} Treasury also reported that it did "not have custody of any Dillon files"^{xix}, which presumably reside with a Presidential Library.

Treasury has confirmed that all of its identified assassination records have been

transferred to the JFK Collection at the National Archives. See Main Treasury Final Declaration ¶ 20.

Bureau of Alcohol, Tobacco and Firearms (“ATF”). In 1992, ATF’s Assistant Director (Administration) directed each of the heads of offices within ATF to locate any records relating to the assassination. No assassination records were identified at that time. In addition, in 1995, ATF reviewed inventories of records held in storage, and no assassination records were identified through that review. In particular, ATF reported that the Fort Worth Records Center held no ATF records from the 1960’s. ATF also made search inquiries with its Criminal Enforcement Divisions, including Intelligence, Firearms, and Special Operations. Again, no relevant records were identified. See ATF Final Declaration of Compliance (dated November 7, 1997). The Review Board sought to have ATF locate any 1963-64 records relating to ATF’s assistance in the investigation of the JFK assassination, as well as records from the late 1970’s relating to ATF’s work for the HSCA. The Review Board specifically requested that ATF check for records from the ATF Field Office in Dallas, as well as records for the ATF Director and ATF Chief Counsel, and this was done.^{xx}

ATF was fully cooperative and documented its search efforts in detail and under oath. However, ATF located only a handful of records, and these related to its work with the HSCA.^{xxi} One factor that may have explained the inability of ATF to locate any relevant records from the 1960’s was the fact that ATF was not created as an independent entity until 1972. Before then, it was a component of the IRS.^{xxii} The Review Board therefore requested that IRS determine whether it had any pre-1972 ATF records relating to the assassination.^{xxiii} No such ATF records were located by IRS.^{xxiv}

Customs Service. After passage of the JFK Act, Customs conducted a search of its Washington, D.C. headquarters files through computerized searches, as well as extensive review of its archival files with the assistance of Review Board staff. In addition, Customs field offices were instructed to search for assassination records. As a result, Customs did identify a modest number of assassination records.^{xxv}

Given the extensive searches, including particularly the Review Board’s participation in the selection and review of archival files, the Review Board requested only some limited additional searches by Customs. In particular, the Review Board asked that Customs have its Dallas field office re-check for any relevant files. That was done, but no additional materials were identified. See *id.*

Internal Revenue Service. The identification and release of assassination-related records in IRS’s custody has been a difficult one in view of the JFK Act’s explicit provision that tax-related records continue to be exempt from public disclosure under Section 6103 of the IRS Code. See JFK Act § 11(a). The Review Board believes that significant assassination-related records of the IRS were precluded from release under the JFK Act. Most significantly, the JFK Act failed to secure IRS’s public release of the original Lee Harvey Oswald’s tax returns and

significant tax-related material in the files of the Warren Commission.⁵

[insert where appropriate. . . from Michelle's chapter
[obtain the information from the IRS. Next, the Review Board asked Marina Oswald if she would consent to the release of Oswald's tax returns, but she refused. Finally, the Review Board asked the IRS to consider any legal avenue for the release of the records. In a 20 page legal analysis, the IRS concluded that Oswald's tax records could not be released to the public. Thus, Oswald's tax return records, and other tax related information in Warren Commission files remain closed to the public.]

Notwithstanding Section 6103, the Review Board requested that IRS, at a minimum, collect and identify all records it had relating to the assassination. In 1994, IRS reported that it had identified, pursuant to the JFK Act, approximately 50 documents. See July 14, 1994 Treasury Letter to Review Board. These documents apparently related to a tax proceeding involving Jack Ruby's estate. See Jan. 27, 1997 Review Board Staff Memorandum. At the time, no further work was undertaken by IRS to release these documents or to identify any other records under the JFK Act.

In late 1996, the Review Board sought to clarify what IRS had done to locate additional records relating to the assassination and what it intended to release in light of Section 6103. See Dec. 13, 1996 Review Board Letter to IRS. In addition, the Review Board sought to inspect the assassination records that were, or would be, collected by IRS, including original tax returns of Lee Harvey Oswald, and records relating to IRS work with the Warren Commission. The Review Board also sought to ascertain the status and anticipated treatment of such records by IRS under the JFK Act. See Dec. 16, 1996 Review Board Letter to IRS. While IRS considered such records unreleasable to the public under Section 6103, the Review Board asserted its legal authority, under the JFK Act, to confidentially inspect IRS assassination records. However, the assassination records collected by IRS were not made available for our inspection. Only a year later did IRS affirm the Review Board's legal authority to inspect IRS assassination records. See April 30, 1998 IRS Letter to the Review Board (enclosing legal opinion).

In early 1998, the Review Board requested that IRS formally document its actions and compliance under the JFK Act. The Review Board requested that IRS affirmatively search for certain categories of records that might relate to the assassination and that IRS specifically identify any such records that it believed could not be released under Section 6103. See Jan. 28,

⁵In the Spring of 1997, Marina Oswald provided to the IRS a limited consent to have Lee Harvey Oswald's tax returns released to Ray and Mary La Fontaine, authors of *Oswald Talked: The New Evidence in the JFK Assassination*. While Marina Oswald declared her intent to have the La Fontaines ultimately release these returns to the public, they have not done so to our knowledge [confirm that IRS sent the returns to the La Fontaines]. The IRS continues to feel constrained under Section 6103 from publicly releasing the Oswald tax returns

1998 Review Board Letter to IRS. The Review Board also requested that IRS review the tax-related records in the Warren Commission and HSCA holdings and determine which records could be released consistent with Section 6103.

The Review Board requested that IRS search for specific categories of records, including ATF records relating to the assassination investigation (ATF was part of IRS before 1972), records relating to Oswald and his employers, files of top IRS officials for the 1962-64 period, files relating to the Warren Commission or HSCA, and records relating to other individuals or groups associated with events of the assassination or its aftermath.^{xxvi} In late 1998, the IRS undertook comprehensive, agency-wide searches for any assassination-related records in its custody.^{xxvii} As a result of its 1998 searches, the IRS located various tax-related records for Oswald's employers, as well as records of a 1973 joint IRS-DOJ strike force on organized crime [IRS identified this as possibly containing assassination records, but we need to verify]. The IRS followed-up on requests of the Review Board, but was unsuccessful in locating any assassination-related records for top IRS officials who assisted in the Warren Commission investigation and was unsuccessful in locating any Dallas ATF files.^{xxviii}

At the request of the Review Board, the IRS intends to forward to the JFK Collection all tax-related assassination records identified by IRS, including those records to remain confidential pursuant to Section 6103. The Board is of the opinion that legislation may be needed to secure the public release of Oswald tax returns, Oswald employer records verifying Oswald's employment and income, and other records, particularly those in the Warren Commission files.⁶

National Security Council. The National Security Council did not initially do any work under the JFK Act following its passage. In 1997, the Review Board contacted the NSC to ascertain whether it might have any records that would be relevant under the JFK Act. The NSC was fully cooperative in identifying and making available the records within its custody and control. NSC provided the Review Board with various inventories to records held off-site by NSC. NSC also made available certain records from its vault facilities in the Old Executive Office Building. Review Board staff worked with senior NSC records officials to designate assassination-related records under the JFK Act.^{xxix} Among the early 1960's records designated were minutes of NSC and Special Group meetings. The materials covered issues regarding Cuba and Vietnam.

President's Foreign Intelligence Advisory Board. In early 1997, the Review Board requested that the President's Foreign Intelligence Advisory Board ("PFIAB") make available any 1962-64 records that might relate to the Kennedy assassination. PFIAB agreed to make

⁶The Board, to date, has unsuccessfully sought Marina Oswald's consent to release Oswald's tax returns in full to the public. There is the possibility that she may ultimately provide the requisite consent.

available for the Review Board's inspection microfiche of 1962-64 agenda and minutes of PFIAB meetings. Over several months, the Review Board staff inspected these records and identified certain excerpts as assassination records. When the Review Board sought to have the records processed for public release, PFIAB took the position that these records were, in fact, not releasable under the JFK Act. Senator Warren Rudman, Chairman of PFIAB, appeared before members of the Review Board in August 1998 to present PFIAB's view that its records were not covered by the JFK Act and, furthermore, that particular records identified by the Review Board were not assassination-related within the meaning of the statute. Having considered PFIAB's views, the Review Board nonetheless proceeded to formally designate the identified PFIAB records (many of which dealt with U.S. policy towards Cuba) as assassination records under the JFK Act. *See* August 26, 1998 Review Board Letter to PFIAB. The Review Board believed it had the full authority, under the JFK Act, to designate these records for public release. Challenging the Review Board's authority to designate pertinent records as "assassination records" under the Act, PFIAB, on September 4, requested a document-by-document justification regarding the materiality of the records, the public interest in their release, and whether the information contained therein was available elsewhere. *See* September 4, 1998 PFIAB Letter to Review Board. The Board had previously articulated the relevance of the materials to PFIAB and thus considered the requested document-by-document analysis to be unnecessary, burdensome, and ultimately an obstacle to release. *See* September 8, 1998 Review Board Letter to PFIAB. At the time of this Report, PFIAB reserved its right to appeal, to the President, the Board's decision to release the records. *See* September 10, 1998 PFIAB Letter to the Review Board.

[Update latest status].

Immigration & Naturalization Service. In 1993, the Immigration & Naturalization Service ("INS") conducted a records search in response to passage of the JFK Act. Specifically, INS's Assistant Commissioner for the Records System Division directed all INS components to search for records that met the statutory definition of an assassination record. *See* INS Final Declaration of Compliance (dated August 26, 1998). INS designated a Management Analyst for the Headquarters Records Management Branch to receive and process INS assassination records under the JFK Act. Most of the files identified by INS were files on various individuals who had some connection to the assassination story. These files were identified by INS as having been previously made available to Congressional committees, including the HSCA. After consultation with other agencies, INS identified additional files as being pertinent under the JFK Act. *See id.* (A list of the INS files processed under the JFK Act is set forth in the INS Final Declaration of Compliance). While INS had identified over 65 files to be processed under the JFK Act, none had been transferred to the National Archives until late 1996. INS ultimately devoted substantial resources to processing these files for release under the JFK Act. The most significant records released by INS under the JFK Act were the INS files on Lee Harvey Oswald and Marina Oswald. These files contain documentation relating to the return of Lee Harvey Oswald, with his wife Marina, from the Soviet Union to the United States. Additional records located by INS were files on other individuals associated with events of the assassination,

including David Ferrie, George DeMohrenschildt, Frank Sturgis, Sylvia Odio, Orest Pena, Luisa Calderon, and Nofio Pecora. *See* January 9, 1997 INS Letter to Review Board Letter.⁷ In late 1997, INS discovered, in its investigative section, that it had an extensive working file on Marina Oswald that contained 1963-64 records directly relating to the assassination. *See* November 10, 1997 Review Board Letter to INS.

INS had not, at the time of this Report, completed the transmission of its identified assassination records to the JFK Collection. Although INS had forwarded numerous files to the JFK Collection, including most importantly the files in Lee and Marina Oswald, INS had yet to forward files on certain lesser known figures, some miscellaneous documents from its subject files, and a work file on Carlos Marcello. *See* INS Final Declaration & Enclosure E thereto. The delay is attributable, in part, to the time consuming processing of referring documents to other agencies for review and awaiting agencies' release of its equities. INS has committed to completing the transmission of all remaining assassination-related files to the JFK Collection.

Office of the Secretary of Defense. The Office of the Secretary of Defense ("OSD") had not identified any assassination records after passage of the JFK Act. In October 1995, Review Board staff met with various the Department of Defense officials and identified topics and record categories to be searched for under the JFK Act. *See* October 25, 1995 Review Board Letter to the Department of Defense. As a result, offices under the Secretary of Defense were instructed to search for assassination records and, in addition, OSD's archival records were searched. Miscellaneous records were thereafter identified from the Secretary of Defense official correspondence files, including records on Cuba and correspondence with the HSCA. *See* July 25, 1997 Review Board Letter to the Department of Defense. In 1997, the Review Board staff again met with officials from OSD and emphasized the importance of identifying and reviewing records for Secretary of Defense McNamara, who had executed an affidavit for the Warren Commission stating that Oswald was not an informant or intelligence agent for the U.S. military. The Review Board also asked OSD to locate and review files of the OSD General Counsel who had "serve[d] as the liaison with the [Warren] Commission for the Department of Defense" (*see* Letter from OSD General Counsel to Earl Warren (apparently dated Jan. 8, 1964)) and OSD's files relating to its extensive work with the HSCA. *See* July 25, 1997 Review Board Letter.

The OSD (staff of its Directorate for Correspondence & Directives) was diligent in attempting to address the record-related issues raised by the Review Board. The OSD's Records Section ran computerized record searches and inventoried its archive records. *See* OSD Final Declaration of Compliance (dated May 21, 1998) ¶1. The OSD advised the Review Board that "[a]ll official files of Secretary McNamara [had] been searched" and that "[n]o items relating to the Warren Commission were found." *Id.* ¶ 3. Inventories of Secretary McNamara's

⁷INS also disclosed that it had on microfilm the passenger manifest for the Maasdam, the vessel arriving in New York City on June 13, 1962 with Lee Harvey Oswald and his family. *See* March 18, 1997 Letter form Review Board to INS.

records were forwarded to the Review Board. In addition, a detailed inventory of additional records of Secretary McNamara at the National Archives was also provided. From among the McNamara records at the National Archives, the Review Board identified a file relating to Operation Mongoose, which was subsequently opened [verify]. Additional records relating to the Warren Commission were located from among the General Counsel's files and additional records relating to the HSCA were located among Secretary of Defense Harold Brown's files. *See* OSD Final Declaration of Compliance (dated May 21, 1998).

Defense Intelligence Agency. In 1993, DIA forwarded to the National Archives approximately one box of materials for the JFK Collection consisting mostly of correspondence with the HSCA. After meeting with DIA in early 1997, it became apparent that DIA had not reviewed all of its relevant archive holdings and that DIA needed to review its records from the 1963-64 time period. *See* February 6, 1997 Review Board Letter to DIA. The Review Board specifically requested that DIA search for records relating to specific areas, including records on the activities of military attaches in Moscow from 1956 to 1964; records relating to the Secretary McNamara's affidavit submitted to the Warren Commission representing that Oswald was not an intelligence agent for the military; Operation Mongoose; intelligence on Cuban agents in the United States; and military defectors. *See* May 14, 1997 Review Board Memorandum to DIA, and July 2 and July 11, 1997 Review Board Letters to DIA. A "special DIA Task Force worked at the Washington National Records Center in Suitland, MD conducting a page-by-page review of all pertinent pre-1965 Agency file series." *See* DIA Final Declaration of Compliance (dated April 10, 1998) ¶ 2. After this further review of its archive records, DIA did identify additional assassination-related documents, including on those subjects identified by the Review Board. *See* DIA Final Declaration of Compliance. These records have been placed in the JFK Collection.

Department of the Army. In response to the JFK Act, the Army conducted in 1993 an "Army-wide canvassing for relevant records." *See* Army Initial Statement of Compliance (dated June 18, 1997). Another canvassing of records was done in 1997. *See id.* The Army reported that it conducted "a complete review of the 70,000 line item listing of the Army's holdings in the Federal Records Centers" Department of the Army Final Declaration of Compliance (dated August 20, 1998). The Army ultimately identified various assassination records, including: (a) material relating to ballistics research performed by the Army in connection with the assassination; (b) 1965 notes of Pierre Finck, the Army pathologist who participated in the Kennedy autopsy; (c) records of the Army Corps of Engineers relating to the design and construction of the Kennedy gravesite; (d) materials relating to the polygraph examination of Jack Ruby from the Defense Polygraph Institute at Fort McClellan, Alabama; (e) records on Cuba from the files of Joseph Califano, in his capacity as Special Assistant to the Secretary of the Army in the Kennedy administration; and (f) Army intelligence files on various individuals connected with the Kennedy assassination story. *See id.* ¶ 4. In addition, the Army made available microfilm records of the Pentagon Telecommunications Agency, and certain documents from the 1963-64 period were identified as assassination records. *See id.*;

see also December 3, 1997 Review Board Letter to the Army.

In late 1997, the Review Board staff requested that the Army identify for review under the JFK Act certain additional, discrete record groups. We asked the Army to locate the 1963-64 files for top Army officials, including the Secretary of the Army, the Chief of Staff for the Army, the Assistant Chief of Staff for Intelligence, the Assistant Chief of Staff for Operations and Plans, and top officials of the U.S. Army Intelligence and Security Command. The Review Board asked the Army for further information and records on the Army Security Agency. Additionally, the Review Board asked the Army to locate any discrete records on various subjects, including intelligence relating to Cuba and the Soviet Union for the 1963-64 period; Operation Mongoose; Oswald's defection to the Soviet Union; domestic surveillance by the Army of any groups with which Oswald had been associated; and files relating to work that the Army may have undertaken in connection with the HSCA's investigation. *See* December 3, 1997 Review Board Letter. The Army located no further assassination records in response to the Review Board's requests. *See* April 24, 1998 Review Board Letter to the Army; Army Final Declaration of Compliance.

Central Security Facility. The Review Board staff also worked separately with certain components of the Army -- the Army's Central Security Facility ("CSF"), which maintains Army intelligence records, and the Armed Forces Institute of Pathology ("AFIP"). The CSF oversees the Investigative Records Repository ("IRR"), which is the custodian for various Army intelligence investigative files. IRR has released several intelligence files under the JFK Act, including files on Gerald P. Hemming and anti-Castro activists. *See* IRR Final Declaration of Compliance (dated August 1, 1997). IRR was highly cooperative in determining whether it had any files on numerous other individuals associated with events of the assassination and, in many cases, confirmed that it had no files for the names submitted. *See id.*; *see also* February 4, 1997 Review Board Letter to CSF. The Review Board requested CSF to determine whether it had any office or work files for certain Army intelligence officials located in the Dallas area in 1963-64, and CSF stated that it had no such files. *Id.* In addition, the Review Board requested that CSF provide any additional information or documentation with respect to an Army intelligence dossier maintained on Oswald but destroyed in 1973 as part of a program to purge domestic surveillance files. *See* February 4, 1997 Review Board Letter. No new information was obtained beyond that developed previously by the HSCA. *See* IRR Final Declaration; HSCA Report, at 221-24.

Armed Forces Institute of Pathology. The Review Board also worked directly with the Armed Forces institute of Pathology ("AFIP"). AFIP designated its Archivist for the National Museum of Health and Medicine to serve as the official responsible for conducting AFIP's searches under the JFK Act. As with the National Naval Medical Center in Bethesda, Maryland, the Review Board sought to identify any records from AFIP that might relate to the autopsy of President Kennedy (Lt. Col. Pierre Finck, one of the autopsy doctors, was Chief of the Wound Ballistics Branch of AFIP at the time). AFIP located some materials of Dr. Finck, including a 1965 report he prepared regarding the autopsy and his 1969 memorandum regarding

testimony he gave at the Clay Shaw trial. *See* AFIP Final Declaration of Compliance (dated June 12, 1997). The Review Board also asked AFIP to check for any 1963-64 files of top AFIP officials who might have had information regarding the JFK autopsy, but no such files were located. *See* March 18, 1997 Review Board Letter to AFIP; AFIP Final Declaration. AFIP did locate an oral history interview with Dr. Robert F. Karnei, Jr., in which he briefly discusses his role at the JFK autopsy.

Department of the Navy. Files of the Department of the Navy were considered essential in view of Oswald's tenure with the Marines, which is administratively a part of Navy. Under the JFK Act, the Navy identified and placed into the JFK Collection at the National Archives certain core files relating to Lee Harvey Oswald -- (1) the personnel and medical Marine Corps files for Oswald and (2) Office of Naval Intelligence records on Oswald.

After passage of the JFK Act, the Navy's Criminal Investigative Service transferred, in 1994, the Office of Naval Intelligence ("ONI") records that had been maintained on Lee Harvey Oswald.^{xxx} In 1995, the General Counsel of the Navy directed that a further review of Navy's files be undertaken pursuant to the JFK Act. This directive went to the Chief of Naval Operations, the Commandant of the Marine Corps, the Naval Investigative Service, and the Naval Historical Center. No additional assassination records were identified at that time. *See* Department of the Navy Final Declaration of Compliance (dated December 3, 1997). In 1996, the Marine Corps transmitted to the Review Board the original personnel and medical Marine Corps files on Oswald. *See id.* These were then forwarded to the JFK Collection.

Notwithstanding the Navy's identification of these core materials, the Review Board requested the Navy to inspect additional record categories to ensure that all relevant materials had been identified. In December 1996, the Navy designated two officials within the Office of General Counsel to coordinate the Navy's further search and processing of assassination-related records under the JFK Act. In early 1997, after consultaion with Review Board staff regarding categories of potentially relevant records, an additional search directive was issued by the General Counsel's Office to the Chief of Naval Operations, the Commandant of the Marine Corps, the Judge Advocate General of the Navy, the Naval Criminal Investigative Service, the Secretary of the Navy's Administrative Division, and other components within the Navy. *Id.* Among the records that the Review Board asked the Navy to inspect were files of the highest officials of the Marine Corps, Office of Naval Intelligence, and the Navy for the relevant time periods encompassing Oswald's to the Soviet Union through the aftermath of the assassination.

See January 17, 1997 Review Board Letter to the Navy. The Navy did undertake an extensive review of files, including a review of files from the Secretary of the Navy's Administrative Office, the Chief of Naval Operations, and the Marine Corps. (Given the Board's limited time and resources, the Board was not able to confirm the precise identity of files reviewed). *See* Navy's Final Declaration of Compliance (dated December 3, 1997). As a result, the Navy located miscellaneous documents relating to the Warren Commission and HSCA from files of the Administrative Office for the Secretary of the Navy, including a copy of an unsigned affidavit by the Director of ONI, prepared at the time of the Warren Commission, stating that Oswald was

not used an agent or informant by ONI. The Navy did confirm that it had not, however, located the files for the Director of ONI. *See id.*

Office of Naval Intelligence. Apart from its work with the Navy work under the JFK Act, the Review Board considered it necessary to pursue with ONI separately the matter of ONI records, including 1959-64 files for the Director of ONI. Accordingly, the Board requested that ONI submit a separate certification of its compliance with the JFK Act. *See* April 24, 1998 Review Board Letter to ONI. ONI's Final Declaration of Compliance was submitted shortly thereafter (*see* ONI Final Declaration of Compliance dated May 18, 1998). ONI personnel conducted an extensive review of voluminous ONI records held throughout various regional record centers. And ONI did identify certain records on military defectors that were designated as assassination records. Other than the defector files, however, ONI had not identified any additional assassination-related records and, furthermore, had not been able to account for the files of the head of ONI from 1959 to 1964. ONI also acknowledged that there remained additional ONI records that were not reviewed, but that these would be reviewed under the President's Executive Order 12958 requiring declassification of Government records. *See id.*

National Naval Medical Center at Bethesda. The Review Board separately pursued with the National Naval Medical Center at Bethesda, Maryland ("NNMC") records relating to the autopsy of President Kennedy. The NNMC was highly cooperative and did extensive searches, but it located no records relating to the autopsy with one exception -- an unsigned original of the JFK autopsy report was located in a safe at the NNMC's Anatomic Pathology Division. The NNMC had also located miscellaneous FOIA requests relating to autopsy records.^{xxxii} The Review Board thereafter asked the NNMC to re-check whether it had any 1963-64 files for the top officials of the NNMC, including Commanders Humes and Boswell, the Naval pathologists who participated in the autopsy.^{xxxiii} The NNMC re-certified that it had no such files.^{xxxiii}

Department of the Air Force. In 1995, the Air Force directed certain Air Force commands to undertake searches for assassination records. No assassination records were located except one -- a flight logbook from Andrews Air Force Base that had recorded events at the base on the day of the assassination.^{xxxiv} The Review Board thereafter raised with the Air Force whether it might have custody of other records relating to the assassination. More specifically, the Review Board asked the Air Force to: identify and review the 1963-64 files for the highest officials in the Air Force, including the Secretary of the Air Force and the Chief of Staff for the Air Force; more thoroughly review the files of the Office of Special Investigations for any material relating to Oswald; and determine whether there were any records relating to Air Force 1 on the day of the assassination, including specifically searching for any audiotapes of transmissions to or from Air Force 1 on the day of the assassination.^{xxxv}

As the Review Board had requested, the Air Force did go back and undertake a more targeted search. No additional records, however, were forwarded to the JFK Collection.^{xxxvi} After considering the Air Force's Final Declaration of Compliance, the Review Board requested that a further accounting be made of specific Air Force records, particularly records for the Air

Force's Office of Presidential Pilot and the Historical Research Agency at Maxwell Air Force Base in Alabama.^{xxxvii} The Air Force, at the time of this Report, had not followed-up on the Review Board's latest request.^{xxxviii}

Joint Staff. The Chief, Information Management Division, Joint Secretariat, Joint Staff of the Department of Defense, was designated to oversee the search and processing of records under the JFK Act. Under this official, the Joint Staff searched the archived files for the Joint Chiefs of Staff from the early 1960's, including files of Joint Chiefs Chairmen Lyman L. Lemnitzer, Maxwell Taylor, and Earle G. Wheeler. The Joint Staff estimated that it spent 210 man-hours searching these records. In addition, the Joint Staff was highly cooperative in making these records available for inspection by the Review Board.

While the Joint Staff identified only a handful of records directly relating to the assassination, the Joint Staff identified for release under the JFK Act a substantial number of records relating to Cuba and Vietnam from the early 1960's, including 1962-63 records pertaining to military contingency planning on Cuba. In addition, in response to a Review Board request, the Joint Staff plans to release a classified, three-volume Joint Chiefs of Staff history on the Vietnam War from 1960-68.

In the course of identifying relevant records, the Review Board learned that minutes (and/or transcripts) of meetings of the Joint Chiefs of Staff from 1947 to 1978 had been destroyed. Since these encompassed meetings in 1963 and 1964 which might have been relevant to the assassination, the Review Board requested an accounting of this destruction.^{xxxix} The Joint Staff has explained that, in 1974, the Secretary for the Joint Chiefs of Staff ordered these materials to be destroyed and, at that time, also established a disposition schedule for these kinds of records. In 1978, according to the Joint Staff, the "practice of recording meeting minutes was discontinued . . ."^{xl} [verify].

White House Communications Agency. The White House Communications Agency ("WHCA") had not initially conducted any work under the JFK Act. In early 1997, the Review Board approached WHCA in an effort to determine whether it had retained any archived records from 1963-64 relating to the assassination.

The Review Board formally requested that WHCA search for any 1963-64 records that might have pertained to the assassination.^{xli} WHCA located and placed into the JFK Collection an historical file that contained statements of WHCA personnel regarding events on the day of the assassination and, in addition, a WHCA memorandum providing a "list of telephone calls recorded by the White House switchboard on 22 November 1963." See April 1, 1997 WHCA Letter to Review Board.

The Review Board further requested WHCA, however, to undertake a broad search for any records reflecting White House communications regarding the assassination, including any communications to or from Air Force 1 on the day of the assassination. See March 19, 1997

Review Board Letter to WHCA. The Commander of WHCA did instruct his offices to conduct a search for assassination-related records. *See* WHCA Final Declaration of Compliance (dated April 22, 1998). WHCA reported that it had located nothing else, and the Review Board then requested that WHCA certify, under penalty of perjury, that it had no other records from the 1963-64 period that might relate to the assassination. *See* April 21, 1997 Review Board Letter to WHCA. WHCA then certified under oath that it had no records from the 1963-64 time period nor any records relating to their disposition. *See* WHCA Final Declaration of Compliance (dated April 22, 1998). While accepting WHCA's representations, the Review Board was disappointed that WHCA could neither locate nor account for any of its records from 1963-64. *See* June 2, 1998 Review Board Letter to WHCA.⁸

U.S. Postal Service. In 1993, the Postal Service located its original file on the Kennedy assassination investigation composed of Postal Service investigative reports regarding the assassination. The file had been located among the archived records for the Chief Postal Inspector, and the file was subsequently transferred to the JFK Collection. The Review Board suggested some additional search avenues (*see* March 18, 1997 Review Board Letter to Postal Service), and the Postal Service was diligent in following those suggestions, but no other records were uncovered. *See* Postal Service Final Declaration of Compliance (dated July 7, 1997).

Social Security Administration. In response to a directive in 1993 by the Department of Health & Human Services ("HHS") regarding compliance with the JFK Act, the Social Security Administration ("SSA") inventoried its holdings relating to Lee Harvey Oswald and Jack Ruby. *See* March 25, 1993 HHS Memorandum and April 30, 1993 SSA Memorandum. At that time, however, SSA had not transferred any of these records to the JFK Collection, particularly because of the requirement of confidentiality, under Section 6103 of the IRS Code, that attached to tax-related records.

In early 1997, the Review Board staff met with SSA to verify what assassination-related records SSA might have and to determine if any such records could be publicly released. Specifically, the Review Board requested that SSA assemble all earnings-related records that it might have for Lee Harvey Oswald and Jack Ruby, certain quarterly reports filed by Oswald's employers (to verify Oswald's employment history and income), and the original file opened for Marina Oswald's claim for survivor benefits following Lee Harvey Oswald's death. *See* Jan. 22, 1997 Review Board Letter to SSA.

The SSA was extremely diligent in collecting and assembling these records. Some of these records were considered protected under Section 6103, but the balance were transmitted to the JFK Collection. With respect to the Section 6103 records, the Board requested that they be sequestered by SSA pending later determinations regarding their releasability, and SSA confirmed that this has been done. *See* July 14, 1997 Review Board Letter to SSA; SSA Final Declaration of Compliance (dated Nov. 18, 1997).

⁸Certain WHCA records may reside with a Presidential Library.

As with Oswald's tax returns, the Review Board regrets that Oswald's earnings information and employment history, as contained in employer reports on file with SSA, have not been released to the public as of the date of this Report.

Drug Enforcement Administration. The Drug Enforcement Administration ("DEA") was cooperative with the Review Board in making available certain files for review. In May 1998, the Review Board asked DEA to formally process certain records as assassination records under the JFK Act. In addition, the Review Board asked for a formal statement of DEA's compliance. *See* May 1, 1998 Review Board Letter to DEA. However, DEA has taken no steps to formally designate assassination records, nor has it submitted a compliance report as requested.

Library of Congress. The Library of Congress did not transmit any assassination records to the JFK Collection after passage of the Act. In June 1994, the Library of Congress responded to an inquiry by the Review Board and reported that it had located no assassination-related records within the classified holdings in its Manuscript Division. *See* June 16, 1994 Library of Congress Letter to Review Board. In 1996, the Review Board asked the Library of Congress, including the Congressional Research Service, to ensure that it had searched for any non-public records in its custody that might relate to the assassination. *See* August 13, 1996 Review Board Letters to the Library of Congress and the Congressional Research Service. No action was taken on the Review Board's request, and the Board made another formal request in October 1997. *See* October 27, 1997 Review Board Letter to the Library of Congress. The Congressional Research Service deferred compliance with the JFK Act pending explicit Congressional authorization. *See* January 20, 1998 CRS Letter to the Review Board. Aside from CRS, however, the Library of Congress did undertake to survey its non-public holdings to identify records relating to the assassination. This entailed review of the Library's closed records in its Manuscript Division.

Thereafter, the Library of Congress filed a formal statement of compliance with the Board and did identify three sets of closed records containing assassination-related materials -- (1) a "duplicate and partial" set of Rockefeller Commission records donated by Vice-President Rockefeller and closed until March 25, 2002; (2) papers of Senator Daniel Moynihan from his tenure as Assistant Secretary of Labor in the Kennedy administration; and (3) papers of an aide to Senator Howard Baker, Howard Liebengood, who did work relating to the assassination for the Senate Intelligence Committee. *See* Library of Congress Final Declaration of Compliance (dated Jan. 22, 1998). The Library also identified relevant collections that were open to the public, including papers of Earl Warren, David Atlee Phillips, and Elmer Gertz (attorney for Jack Ruby). In addition, the Library had one piece of correspondence from Lee Harvey Oswald written from the Soviet Union. *See id.*

Once the relevant closed materials were identified, the Review Board sought the donors' permission to open the records. The Review Board obtained Senator Moynihan's agreement to

open his papers relating to the assassination, and the Board has been in the process of obtaining Mr. Liebengood's consent. With respect to the Rockefeller Commission papers, the Library of Congress stated that these were duplicates of the Rockefeller Commission files at the Ford Library. *See* Library of Congress Final Declaration. The Ford Library set had been reviewed and processed under the JFK Act for assassination records. The Review Board has requested the Library of Congress to ascertain whether its set of the Rockefeller Commission papers contains any assassination-related materials that have not been released by the Ford Library. *See* September __, 1998 Review Board Letter to the Library of Congress.

In the Summer of 1998, the Congressional Research Service ("CRS") identified approximately one box of CRS memoranda relating to the assassination that were prepared by CRS for the HSCA and other entities. Having received appropriate Congressional authorization, CRS has agreed to forward these materials to the JFK Collection. *See* CRS Final Declaration of Compliance (dated September __, 1998).

National Archives and Presidential Libraries.

The Review Board worked separately with the National Archives in Washington, D.C., the National Archives in Fort Worth, Texas, the Ford Presidential Library, The JFK Presidential Library, and the LBJ Presidential Library. The compliance status for each of these entities is set forth below.

National Archives, Washington, D.C. The National Archives has legal and physical custody of numerous U.S. Government records that are transferred to it by Federal agencies. Accordingly, the JFK Act required the National Archives to identify any assassination records that may have been in its legal custody at the time the JFK Act was passed.

After the JFK Act was passed, the National Archives identified three major record categories in its custody -- (1) records of the Warren Commission; (2) the Main Department of Justice Criminal Division file on the Kennedy assassination (DOJ File No. 129-11); and (3) the main Secret Service file on the assassination (Secret Service File No. 34, 030). Many of the records within these files were already open to the public when the JFK Act was passed. *See* National Archives Initial Statement of Compliance (dated July 25, 1997). The National Archives also identified administrative records for the United States Archivist and Deputy Archivist relating to the handling of assassination-related materials maintained by the National Archives, including administrative records regarding Warren Commission holdings. *See id.* In addition, the National Archives staff identified various federal agencies that had cooperated with the Warren Commission and proceeded to search those records, including records of Treasury and the Department of Justice. *See id.*

In December 1992, the Assistant Archivist issued a search directive to the staff of the National Archives requesting that any other assassination-related records be identified, and some miscellaneous records were thereafter included in the JFK Collection. *See id.* In addition, the

National Archives -- through its Center for Legislative Archives -- opened to the public numerous Congressional records relating to the assassination, including most importantly the records of the House Select Committee on Assassinations ("HSCA"). (For a further discussion of Congressional records opened by Congress and the National Archives under the JFK Act, see section on Congressional Records below.)

In April 1998, staffs of the Review Board and the National Archives met to review the status of the National Archives' identification and release of assassination records. The Review Board asked the National Archives to confirm that there were no other closed records relating to the assassination that might be among classified or closed files of the highest officials of the Kennedy and Johnson administrations, including certain Cabinet Secretaries. See May 11, 1998 Review Board Letter to the National Archives. In addition, the Review Board had asked the National Archives to coordinate with the Administrative Office of U.S. Courts to identify and secure for the JFK Collection court case files for various FOIA suits involving the public's request to open up CIA, FBI, and other agency files on the Kennedy assassination. See April 13, 1998 Review Board Letter to Administrative Office of U.S. Courts. The National Archives has been working with the Administrative Office to obtain these court files.

[Status]

National Archives, Southwest Region. The National Archives had its Southwest regional facility undertake searches pursuant to the JFK Act. That facility is a repository for federal agency records in the Dallas, Texas area. Among the records identified under the JFK Act by the Southwest Region were: (1) court files from the federal district court in Dallas, Texas with respect to litigation over the rifle used to assassinate President Kennedy (*United States v. 6.5 Mannlicher-Carcano Rifle* and *Marina Oswald Porter v. United States*); (2) court files for the litigation brought by Clay Shaw against Jim Garrison in federal district court in New Orleans (*Clay Shaw v. Jim Garrison*); (3) files from the U.S. Attorney in Dallas relating to the litigation over the Oswald rifle; and (4) records of the criminal proceedings against Jack Ruby, also obtained from the U.S. Attorney in Dallas. See Southwest National Archives Final Declaration of Compliance (dated July 10, 1998).

The Southwest Region also identified within its custody various medical equipment from Trauma Room No. 1 at Dallas Parkland Hospital. This equipment was purchased from Dallas County in 1973 when Parkland Hospital was being remodeled, and the equipment was placed in storage by the National Archives at its Southwest Region facility. See National Archives Initial Statement of Compliance. The Review Board saw no need to have this equipment placed in the JFK Collection and deferred to the National Archives' decision to retain it in storage. See April 27, 1998 Review Board Letter to National Archives, Southwest Region.⁹

⁹ In addition to records identified by the Southwest Region of the National Archives, the Southeast Region had identified some papers of Senator Richard Russell relating to his work on the Warren Commission. (The National Archives had been providing courtesy storage for these papers on behalf of the University of Georgia). See National Archives Initial Statement of

In April 1998, Review Board staff met with officials of the Southwest Region at its facility in Fort Worth, Texas. The Review Board sought to ascertain whether the Southwest Region had legal custody of any 1963-64 records for various law enforcement, intelligence, or military agencies with offices in the Dallas region, including Secret Service, ATF, FBI, and the Office of Naval Intelligence. The staff of the Southwest Region confirmed that it had no such relevant records. See April 3 and 27, 1998 Review Board Letters to the National Archives, Southwest Region; National Archives, Southwest Region, Final Declaration of Compliance.

The Gerald R. Ford Library. The Ford Library had substantial holdings that were relevant under the JFK Act, including files of the President's Commission on CIA Activities within the United States ("the Rockefeller Commission") and papers of former Gerald R. Ford relating to his work on the Warren Commission. See Ford Library Final Declaration of Compliance (dated August 12, 1998). The Ford Library first identified assassination records from among materials that were already open to researchers, including records from Gerald Ford's Congressional and Vice-Presidential papers and records of Ford Administration officials.¹⁰ As a result of these searches, the Ford Library transmitted approximately six cubic feet of records to the JFK Collection in August 1993. See *id.* The Ford Library also searched its unprocessed or closed "national security collections." This encompassed a review of the Rockefeller Commission files, as well as files of President Ford's National Security Advisor and the Presidential Counsel to the extent the files related to intelligence investigations of the mid-1970's (*i.e.*, the Rockefeller Commission and Church Committee investigations). See *id.* The Ford Library reviewed approximately 240,000 pages from more than 20 different closed or unprocessed collections, and the Library selected approximately 1,400 documents (11,500 pages) for processing under the JFK Act. See *id.* Thereafter, the Ford Library worked with the Review Board in having the relevant agencies release these identified records.

The John F. Kennedy Library. The identification of assassination records within the holdings of the JFK Library presented a challenge to both the Library and the Review Board in view of the extensive material relating to, and originated by, officials within the Kennedy administration.

After passage of the JFK Act, the JFK Library staff undertook an extensive review of Kennedy administration records, personal papers, and oral histories in its possession. In particular, the JFK Library reviewed its closed or "unprocessed" holdings to identify assassination records. See National Archives (JFK Library) Initial Statement of Compliance (dated July 25, 1997). Among the records reviewed were President Kennedy's National

Compliance. The relevant papers have been forwarded to the JFK Collection. [Confirm]

¹⁰ Among the Ford papers transmitted to the JFK Collection were excerpts of interviews with President Ford conducted by Trevor Armbrister in connection with the writing of Ford's memoirs, *A Time to Heal*. See Ford Library Final Declaration.

Security files and Office files. The Library staff had also reviewed material made available to investigative bodies in the 1970's such as the Church Committee. *See id.* In addition, the Review Board staff, with the Library, reviewed the classified Attorney General file series of Robert F. Kennedy. In addition, the Library reviewed numerous record collections from Kennedy administration officials, as well as numerous oral history interviews of such officials. Many of these were designated as assassination records.

By March 1995, the JFK Library had transmitted to the JFK Collection 33,000 pages of documents identified under the JFK Act. These included papers of President Kennedy, Robert F. Kennedy, C. Douglas Dillon, Theodore Sorenson, Burke Marshall, David Broder, Chet Huntley, and Arthur Schlesinger to name just a few. In addition, records from the Kennedy White House were also transmitted. These included records from the National Security files, the White House Central Subject files, and the President's Office files. In addition, the Library sent all or parts of numerous oral history interviews to the extent they touched upon the Kennedy assassination. Additional materials were sent later, including Teddy White's "Camelot papers," which contained notes of his interview with Jacqueline Kennedy for *Life* magazine, and Evelyn Lincoln's records consisting of log books, daily diaries, and appointment books for President Kennedy. Finally, the JFK Library has stated that all remaining closed dictabelts of President Kennedy's telephone conversations, as well as 25 hours of audio recordings of President Kennedy's meetings, will be released this Fall. The Library has also represented that all remaining audio recordings of Kennedy meetings will be released by 1999 under Executive Order 12958. *See JFK Library Final Declaration of Compliance* (dated August 18, 1998).

There were several other record collections that were of particular interest to the Board. For example, William Manchester had deposited with the Library the underlying research materials for his book, *The Death of a President*. They remained in his legal custody, however. The Review Board, although it was able to inspect the materials, was unable to secure their public release despite appeals to Mr. Manchester to open up these records, which included interviews with many of the principals involved in the events surrounding the assassination. In addition, Mr. Manchester interviewed, for his book, both Robert F. Kennedy and Jacqueline Kennedy. The audio tapes and transcripts were donated to the JFK Library in 1967, but under the condition that they remain sealed until 2067. The Review Board approached the Kennedy family about the possibility of an earlier release, but the Kennedy family declined to release either the transcripts or the audio recordings of these interviews. *See August 25, 1998 Letter from Caroline Kennedy to Review Board Chairman John R. Tunheim.*

Another set of records of interest to the Board were the records of Walter Sheridan, who had worked in the Department of Justice under Robert F. Kennedy and who later did work for NBC investigating the Garrison criminal case brought against Clay Shaw. After the JFK Act was passed, the JFK Library returned certain papers to the Sheridan family. These papers related to Mr. Sheridan's work for NBC, and the papers were later subpoenaed by the Review Board. NBC intervened, asserting an interest in the papers and claiming a reporter's privilege in them that would preclude inspection by the Review Board. At this time, the Review Board

and NBC were engaged in settlement procedures to resolve whether these work papers on the Garrison case would be released under the JFK Act.

The Review Board wanted to ensure that the Library had reviewed and identified all relevant records in its custody, particularly records that were closed and unavailable to researchers. Therefore, the Review Board submitted to the JFK Library, in July 1998, a detailed set of questions regarding the Library's record searches and work under the JFK Act. The questions were to be answered by Library officials, under penalty of perjury, in the Library's Final Declaration of Compliance. See July 20, 1998 Review Board Letter to the JFK Library. The Library submitted its Final Declaration shortly thereafter. See JFK Library Final Declaration of Compliance (dated August 18, 1998). The JFK Library certified that "[a]ll records of President Kennedy, Jacqueline Kennedy Onassis, Evelyn Lincoln, and Robert F. Kennedy in the custody of the Library have been reviewed under the JFK Act." *Id.* ¶ 2.a.4. The Library had also advised the Board that that further review of Robert F. Kennedy's papers had resulted in the identification of additional assassination records that would need to be processed for release. In addition, approximately 150 RFK documents previously identified for release were still in the process of declassification or review by the RFK Donor Committee at the time of this Report.¹¹ While recognizing the extensive work of the JFK Library and its significant contribution to the JFK Collection, the delay in identification and release of RFK papers has been a disappointment.

The JFK Library, at its suggestion, briefed the members of the Review Board in August 1998 with respect to the work of the Library under the JFK Act. At that presentation, the Review Board was given assurances by the Library, in the strongest terms, that it was committed to completing release of all assassination-related records, including the RFK records.¹²

¹¹ Since the RFK papers are subject to a deed of gift, their release must be approved by the RFK Donor Committee.

¹²In addition, the JFK Library is releasing the RFK and other papers pursuant to the declassification requirements of Executive Order 12958.

The Lyndon B. Johnson Library. The LBJ Library has extensive records that were reviewed pursuant to the JFK Act. The Library holds 505 collections of personal papers, 59 bodies of federal records, and 1,227 processed and deeded oral history interviews. See National Archives (LBJ Library) Initial Statement of Compliance (dated July 25, 1997). Even before the JFK Act was passed in 1992, the Library, beginning in 1980, identified and made available materials that it had relating to the assassination of President Kennedy.¹³ In 1993, the LBJ Library transmitted to the JFK Collection material on the assassination from the LBJ White House Central files, White House Confidential files, and the National Security files; the Library's "Special File on the Assassination of President Kennedy," which was assembled by the White House in late 1966 as a reference file to respond to allegations in William Manchester's book, *The Death of a President*; President Johnson's daily diary records recording his appointments and phone calls made during the period following the assassination; office files of various White House aides, White House telephone office records; personal papers of Under Secretary of State George Ball, Attorney General Ramsey Clark, and John Connally; and numerous oral history interviews. Tapes of President Johnson's conversations relating to the assassination (dating mostly from 1963, 1964, and 1967 [the time of the Garrison investigation and publication of the Manchester book]) were later forwarded to the JFK Collection later. See *id.* & Attachment F.

In the Spring of 1997, The Review Board staff conducted a comprehensive review of LBJ Library National Security Files (NSF), closed oral histories thought to be of possible interest to the assassination, and various manuscripts, archives and office files of key officials. The staff identified more than 300 additional assassination records in the following NSF categories: Head of State Correspondence File; Vice Presidential Security File; President's Speech File; Country Files on Vietnam and Southeast Asia; Vietnam Meeting Notes File; Latin America Country Files on Cuba and Mexico; Country Files on Europe and USSR; Intelligence File; National Intelligence Estimates; National Security Action Memoranda; NSC Notes; Agency File - State; FBI Current Intelligence Analysis, McCone Memoranda and Meetings with the President; National Intelligence Estimates on Cuba; Intelligence Briefings on Vietnam and Cuba; White House President's Appointment Files; White House Famous Names; and Cabinet Papers. The staff also identified additional assassination records in the Library's closed collection of office files and/or papers of McGeorge Bundy, Gordon Chase, C.V. Clifton, James Cross Alain Enthoven, Roger Hilsman, Bromley Smith, and William C. Westmoreland. The Review Board coordinated with various agencies in getting these records declassified. As they were reviewed under the standards of the JFK Act, nearly all of these records were opened in full.

In addition, the Review Board staff reviewed the Mildred Stegall collection for possible

¹³These materials were identified in a detailed index entitled, "Guide to Materials from the Johnson Library Pertaining to the Assassination of John F. Kennedy." See LBJ Initial Statement of Compliance, at Attachment F. The LBJ Library stated that the records identified on this index were transmitted to the JFK Collection in August 1993. See *id.*

assassination records (Ms. Stegall was an aide to President Johnson) [verify]. Certain Stegall records consist of files that FBI Director Hoover made available to President Johnson. Ms. Stegall kept a card catalogue names index to these files, and these were made available to Review Board staff to identify relevant files. The release of certain selected files is being coordinated with the FBI.

Finally, the LBJ Library has represented that tapes of all of President Johnson's recorded telephone conversations through October 1964 will have been released by September 1998. This release will include six previously closed recordings of President Johnson's telephone conversations with Jacqueline Kennedy in December 1963 and January 1964. *See* LBJ Library Final Declaration of Compliance (dated August 27, 1998). Additional telephone conversations identified as assassination-related will also be released this September, including two involving McGeorge Bundy. The Library plans to continue release of the LBJ tapes (post-October, 1964) in chronological order, and has represented that additional conversations relating to the assassination will be forwarded to the JFK Collection.

General Services Administration. The General Services Administration ("GSA") did no initial work under the JFK Act. The Review Board approached GSA in 1997 with respect to whether it might have records relating to the assassination. This approach was made because the National Archives, until 1984, was under the auspices of GSA. Therefore, the Review Board wanted to ensure that GSA did not have records relating to the National Archives' handling of Warren Commission materials or the handling of the JFK autopsy photos and x-rays. *See* May 5, 1997 and August 22, 1997 Review Board Letters to GSA. GSA did identify files for the top officials of GSA from the 1960's but these were already at the National Archives and fully available to the public. No closed records relating to the assassination were identified by GSA. *See* GSA Final Declaration of Compliance (dated Jan. 26, 1998); Febr. 23, 1998 Review Board Letter to GSA.

Congressional Records. In addition to Executive Branch records, the Review Board worked with various Congressional Committees, and the National Archives, to ensure disclosure of various Congressional records relating to the assassination. The two most important record groups in this regard were the records of the two Congressional Committees that conducted independent investigations of President Kennedy's assassination --- the Church Committee in 1975-76 and the House Select Committee on Assassinations in 1977-78. In addition, the Review Board sought to ascertain whether there were relevant records among certain other Congressional Committees.

The House Select Committee on Assassinations ("the HSCA"). The files of the HSCA embody the collective work of that Committee in investigating the assassinations of President Kennedy and the Reverend Martin Luther King. After issuance of the HSCA's report in 1979, the voluminous files of the HSCA were placed in storage and were to be kept under seal until 2029 (*i.e.*, 50 years from 1979). Because these were Congressional records, they were not subject to disclosure under FOIA. [Verify]. It was Oliver Stone's film, *JFK*, that underscored

the existence of these closed files and the fact that they would not be released until 2029. After passage of the JFK Act, opening the HSCA files was among the highest priorities. The National Archives opened the JFK assassination portion of the HSCA files after consultation with the agencies that had equities in the records.

Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities ("the Church Committee"). Records of the Church Committee, like the HSCA records, were vitally important. The Review Board made extensive efforts to ensure disclosure of as many of the relevant records as possible. The Church Committee, in 1975-76, investigated a host of issues involving the performance of the intelligence agencies. While many of these issues did not come within the coverage of the JFK Act, the Church Committee did investigate the Kennedy assassination, as well as the issue of foreign assassination of political leaders.

After passage of the JFK Act, the Senate Select Committee on Intelligence inventoried the original records of the Church Committee (some 450 boxes) and transmitted approximately 40 boxes of assassination-related records to the JFK Collection. This represented a significant effort by the Committee, as well as by the agencies that reviewed and declassified the records. The National Archives, however, surveyed the records placed in the Collection and concluded that testimony directly relevant to the Kennedy assassination (and cited in the Kennedy assassination report of the Church Committee) was not included in the released materials. *See* April 17, 1995 National Archives Letter to the Senate Select Committee on Intelligence ("SSCI"). For approximately two years, the SSCI did not explain or rectify this crucial gap in the records provided to the National Archives.

In 1997, the Review Board wrote to the SSCI and, again, raised the issue of identifying and processing testimony directly relevant to the Church Committee's investigation of the Kennedy assassination, as well as testimony regarding alleged CIA plots against foreign leaders. *See* Sept. 19, 1997 Review Board Letter to the SSCI. The SSCI was cooperative and diligent in attempting to locate and forward the specific transcripts that had been identified by the Review Board and the National Archives. Throughout 1997-98, the SSCI identified and produce scores of microfilmed copies of the requested transcripts. This testimony ultimately was processed and placed into the JFK Collection. The transcripts included testimony of FBI and CIA officials who worked on the assassination investigation, as well as officials who testified regarding the alleged assassination plots against Fidel Castro. Among the officials whose testimony was released were Secretary of Defense Robert McNamara; Deputy Secretary of Defense Roswell Gilpatric; Special Assistant for National Security McGeorge Bundy; former Directors of Central Intelligence John McCone, Richard Helms, and William Colby; Deputy Director of Central Intelligence Marshall Carter; CIA officer John Scelso (alias); Secret Service Chief James Rowley; and FBI officials involved in the assassination investigation such as Assistant FBI Director Alex Rosen, SAC for the Dallas Field Office Gordon Shanklin, and FBI Agent James Hosty.

While the SSCI had by and large been successful in obtaining the microfilmed transcripts requested by the Board, the Review Board remained concerned that the *original hardcopy transcripts* for this testimony, and any accompanying materials, had not been located by the SSCI or otherwise accounted for. The Review Board asked to have all 450 boxes of original Church Committee files made available for its inspection. Again, SSCI was cooperative and arranged to have the original Church Committee available for the Board's inspection (the originals had not previously been reviewed by either staffs of the National Archives or the Review Board). The Review Board staff inspected all the original files, and additional materials were designated as assassination records. However, the Hart-Schweiker materials, namely the hardcopy of testimony cited in the JFK Assassination Report, were not among the materials. Although microfilm copies of this testimony were available, the Review Board specifically asked the SSCI to explain the absence of the hardcopy files, particularly since they were a discrete and significant body of records relating to the Kennedy report. At the time of this Report, the SSCI could not explain the absence of these original transcripts (and perhaps accompanying materials) relating to the Kennedy assassination, and this was and remains an important records issue that should be resolved.

House Select Committee on Intelligence ("the Pike Committee"). In 1975, the Pike Committee looked into various issues regarding the intelligence community. The Pike Committee also looked into certain discrete, limited issues regarding the assassination of President Kennedy. The Pike Committee records have been under the custody of the House Permanent Select Committee on Intelligence ("HPSCI"). HPSCI identified approximately three boxes of assassination-related records of the Pike Committee and has placed them into the JFK Collection. See April 20, 1995 Review Board Staff Memorandum (describing generally the Pike Committee materials in the JFK Collection).

House Judiciary's Subcommittee on Civil & Constitutional Rights, Chaired by Congressman Don Edwards ("the Edwards Subcommittee"). In 1975 and 1976, the Edwards Subcommittee investigated the FBI's destruction of a note that Lee Harvey Oswald had left with the Dallas Field Office prior to the assassination of President Kennedy. The Review Board raised with the National Archives (Center for Legislative Archives) the issue of whether they had any original files for this Subcommittee, and the legislative staff could not identify any such files within its Judiciary Committee holdings. We also asked the Clerk's Office for the House of Representatives to assist in locating these records. See Oct. 30, 1997 Review Board Letter to Clerk of the House. Unfortunately, no original records for this Subcommittee have been located, although copies of some of these records can be found in the HSCA Collection.

House Government Operation's Subcommittee on Government Information and Individual Rights, Chaired by Congresswoman Bella Abzug ("the Abzug Subcommittee"). In 1975 and 1976, the Abzug Subcommittee looked into issues relating to access to Warren Commission records and the destruction of FBI records. It was the Review Board's understanding that these records remained closed pursuant to House Rules. In 1996, and again in 1997, the Review Board sought Congressional authorization to have any assassination-related

records within the Abzug Subcommittee files reviewed and released under the JFK Act. *See* Nov. 8, 1996 and Oct. 30, 1997 Review Board Letters to the Clerk of the House of Representatives. After receiving the appropriate Congressional authorization, the Review Board staff inspected the original files of the Abzug Subcommittee and designated various materials for release under the JFK Act. including materials regarding public access to Warren Commission records and regarding destruction of FBI files. *See* April 7, 1998 Review Board Letter to Center for Legislative Archives.

House Committee on Un-American Activities (“HUAC”). During the 1950's and 1960's, this Committee investigated “un-American” activities of various individuals and groups. In the summer of 1996, the staff of the Center for Legislative Archives (part of the National Archives) did an initial survey of the HUAC files and identified files on Lee Harvey Oswald, Marina Oswald, the Fair Play for Cuba Committee (“FPCC”)(with which Oswald was associated), and Mark Lane (a Warren Commission critic). *See* Aug. 26, 1996 National Archives Memorandum. It was the Review Board’s understanding that these records were closed for a 50-year period pursuant to House Rules.

In November 1996, the Review Board requested that Congress make these records available for inspection by the Review Board to confirm whether the records initially identified by the National Archives staff were assassination records within the meaning of the JFK Act and, thus, should be released to the public. *See* Nov. 8, 1996 Review Board Letter to the Clerk of the House of Representatives. The Review Board received no responses and raised the matter again in 1997. *See* Oct. 30, 1997 Review Board Letter to Clerk of the House of Representatives. In January 1998, the Clerk’s Office sought permission from the Judiciary Committee to open up the HUAC files for Review Board inspection. *See* Jan. 27, 1998 Letter from the Clerk of the House of Representatives to the House Judiciary Committee. This authorization was denied, and the Review Board appealed directly to House Judiciary Chairmen Henry Hyde to facilitate the release of assassination-related records within the HUAC files. *See* March 17, 1998 Letter from Chairmen Hyde to the Clerk of the House; July 15, 1998 Review Board Letter to Chairmen Hyde. The Review Board was then advised that the House Parliamentarian would consider whether the JFK Act superseded the House Rule closing HUAC records for 50 years. The Review Board again argued to the House that the HUAC records were fully subject to the JFK Act, notwithstanding the 50-year closure rule of the House. *See* Aug. 10, 1998 Review Board Letter to the Clerk of the House of Representatives.

At the time of this Report, Congress had refused to release, or even make available to the Review Board, the HUAC files identified as potentially relevant to the assassination, including the files on Lee and Marina Oswald.

Other Congressional Records. The National Archives and Review Board staffs also examined certain other Congressional records to identify any materials that might be considered “assassination-related” under the JFK Act.

The Review Board was given appropriate Congressional authorization to inspect files of the Senate Select Committee on Improper Activities in the Labor or Management Field (“the McClellan Committee”). This Committee investigated labor practices in the late 1950’s; then Senator John Kennedy was a member of the Committee and Robert F. Kennedy was Chief Counsel. The records of the Committee include information on organized crime figures. It was determined that the records of the Committee did not qualify as assassination records under the JFK Act. [Doublecheck]

The Review Board surveyed the indices to 1949-51 records of the Senate Special Committee to Investigate Organized Crime in Interstate Commerce (“the Kefauver Committee”).

Given the remoteness in time from the events of the assassination, no records of the Kefauver Committee were designated as assassination records. Moreover, Congress has authorized the National Archives to open these records in 2001. *See* July 11, 1997 Review Board Staff Memorandum.

The Review Board and the National Archives identified certain records of the Senate Judiciary’s Senate Internal Security Subcommittee (“the Eastland Committee”) for review under the JFK Act. Thirteen transcripts of executive session testimony were subsequently identified for release under the JFK Act. These were processed by the Center for Legislative Archives and transmitted to the JFK Collection. The records included 1961 testimony of Edwin Walker and December 1963 testimony of Ruth Paine. In addition, the Center for Legislative Archives transmitted to the JFK Collection three boxes of press clippings regarding Lee Harvey Oswald and the assassination (which were previously open to the public for many years). *See* March 30, 1998 Review Board Staff Memorandum.

C. Conclusion

For the most part, following passage of the JFK Act, agencies attempted to search for and release their records relating to the Kennedy assassination. Most importantly, this was the case with the major agencies, such as the FBI, CIA, State Department, Department of Justice, Secret Service, the National Archives, and the Presidential Libraries, that would be expected to have core materials relating directly to the assassination. In some cases, particular agencies conducted searches after the Review Board notified them of their obligations.

By initiating a compliance program, the Board made a decision that it would require the relevant agencies to affirmatively document their work under the JFK Act, including certification that they had conducted diligent searches for assassination records. This requirement of formal accountability, the Board believes, fostered high levels of agency cooperation and openness with the Review Board. It should be noted that the individual officials who represented the agencies, and who were responsible for preparing the compliance statements, were highly professional and cooperative in meeting the substantive and procedural requirements of the compliance program. For example, agency officials were diligent in trying to meet deadlines of the Board and in making themselves available for meetings with Board staff.

With some limited exceptions, almost all of the federal entities discussed in this chapter have explained and certified, under penalty of perjury, their efforts to locate and release all relevant records on the assassination of President Kennedy. The Board hopes that these statements, under oath, will enhance the public's confidence that the United States Government has, in good faith, attempted to release all records on the Kennedy assassination without regard to whether the information may support or refute any particular theory about the assassination.

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- i. 44 U.S.C. § 2107 (2)(a)(3).
 - ii. Many of the descriptions of agency's efforts to comply with the JFK Act were obtained from the initial or final certifications that the agencies submitted to the Review Board. Where appropriate, this chapter cites the certifications.
 - iii. *See* FBI Final Declaration of Compliance (dated August 20, 1998).
 - iv. *See* Secret Service Initial Statement of Compliance (dated April 30, 1997).
 - v. *See* Secret Service Final Declaration of Compliance (dated August __, 1998).
 - vi. *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).
 - vii. *See* NSA Final Declaration of Compliance (dated August 18, 1998).
 - viii. *See* State Department Final Declaration of Compliance (dated March 18, 1998); Review Board Staff Memorandum (dated April 23, 1997).
 - ix. *See* October 31, 1995 OIP Letter [re-check letter]; OIP Final Declaration of Compliance (dated August 6, 1998).
 - x. *See* OIP Initial Statement of Compliance (dated February 20, 1997); March 31, 1997 Review Board Letter to OIP.
 - xi. *See* OIP Final Declaration of Compliance.
 - xii. *See* Criminal Division Initial Statement of Compliance (dated January 29, 1997).
 - xiii. *See* Civil Division Final Declaration of Compliance (dated July 29, 1998).
 - xiv. *See* Civil Division Final Declaration of Compliance.

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- xv. *See* Civil Rights Division Final Declaration of Compliance (dated July 2, 1997).
- xvi. *See* Dec. 19, 1996 Review Board Letter to Main Treasury.
- xvii. *See id.*
- xviii. Main Treasury Final Declaration ¶ 10.
- xix. *Id.* ¶ 19.
- xx. *See* Nov. 1, 1996 and Febr. 20, 1997 Review Board Letters to ATF.
- xxi. *See* ATF Final Declaration of Compliance; Nov. 4, 1997 Review Board Letter to ATF.
- xxii. *See* ATF Final Declaration of Compliance.
- xxiii. *See* Nov. 5, 1997 Review Board Letter to IRS.
- xxiv. *See* IRS Final Declaration of Compliance (dated September __, 1998).
- xxv. *See* Customs Service Final Declaration of Compliance (dated June 30, 1997).
- xxvi. *See* Nov. 5, 1997 and March 12, 1998 Review Board Letters to IRS.
- xxvii. *See* IRS Final Declaration of Compliance (dated September __, 1998).
- xxviii. *See* IRS Final Declaration.
- xxix. *See* NSC Final Declaration of Compliance (dated April 30, 1998).
- xxx. Copies of these ONI records were also located in the files of the HSCA, and they were released along with the other HSCA files.
- xxxi. *See* NNMC Final Declaration of Compliance (dated June 27, 1997).
- xxxii. *See* November 10, 1997 Review Board Letter to the NNMC.
- xxxiii. *See* December 23, 1997 NNMC Supplemental Declaration of Compliance.
- xxxiv. *See* Air Force Initial Statement of Compliance (dated January 14, 1997).
- xxxv. *See* February 21, 1997 Review Board Letter to the Air Force.

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- xxxvi. *See* Air Force Final Declaration of Compliance (dated November 21, 1997).
- xxxvii. *See* March 9, 1998 Review Board Letter to the Air Force.
- xxxviii. *See* August 3, 1998 Review Board Letter to the Air Force.
- xxxix. *See* January 2, 1997 Review Board Letter to the Joint Staff.
- xl. *See* Joint Staff Final Declaration of Compliance (dated November 13, 1997).
- xli. (*see* Febr. 28, 1997 Review Board Letter to WHCA