

Tunheim Column

Introduction

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

The members of the Review Board believe that we should be able to complete the review of nearly all records by September 30, 1997 with the important exception of the so-called "Sequestered Collections" of the CIA and the FBI. The CIA collection consists of 17 boxes of miscellaneous "working files," 63 boxes of CIA and HSCA-originated records, as well as 72 reels of microfilm. Some of these records are clearly of great significance to the JFK Collection, some are of only marginal interest, and the relevance of others cannot be identified. The FBI files, or "HSCA records," total approximately 280,000 pages and, again, range widely in their relevance to the JFK assassination.

In developing the Review Board's plans to review the "Segregated Collections" of the CIA and the FBI, the Board recognized that we needed an approach that would take into account the varied degree of relevance of individuals records. The Board began the process of developing a series of guidelines last summer and adopted a plan under which the ARRB staff will distinguish between records whose relevance to the assassination is without question and those not believed to be relevant. Applying these new standards will permit the ARRB staff to identify and review the most significant remaining records in order of priority.

These detailed guidelines will avoid the loss of valuable Review Board and ARRB staff time expended to review, on a word-by-word basis, those documents that have a remote relationship, if any, to the Kennedy assassination. Documents that are identified as relevant to the assassination will be reviewed word-by-word. These standards will help ensure that the greatest number of genuine assassination records is properly identified, reviewed, and made public in the JFK Collection at the National Archives and Records Administration.

Recently Released Records

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

The Zapruder Film

The Review Board, on April 24, 1997, unanimously approved a Statement of Policy and Intent that takes the first steps in making the Zapruder film a part of the permanent JFK Collection at the National Archives. The Review Board indicated that it intended to direct that the film become U.S. property on August 1, 1998.

By taking this action, the Review Board has attempted to ensure the preservation of the original Zapruder film, guarantee its availability to the American people, and give the U.S. Congress a role in resolving the final disposition of the film. The members of the Review Board believe it is important that the public have free and unfettered access to this film at a reasonable cost.

The Statement of Policy and Intent states the following:

- *The Zapruder film is recognized as an "assassination record" within the meaning of the JFK Assassination Records Collection Act of 1992;*
- *The Review Board intends to work with Congress to exercise its authority under the JFK Act to direct that the film be transferred to the JFK Assassination Records Collection on August 1, 1998;*
- *The Review Board will do all in its power to ensure that the best available copy of the Zapruder film will become available to the public at the lowest reasonable price; and*
- *The Review Board will continue to work cooperatively with LMH Company to (a) make the best possible copy of the Zapruder film to be placed in NARA for scholarly and research uses, (b) to establish a base reference for the film through digitization, and © to conduct all appropriate tests to evaluate authenticity and to elicit historical and evidentiary evidence.*

FBI Withdraws Pending Appeals

In late March, the FBI withdrew all of its pending appeals to the President opposing Review Board decisions to release previously classified information in 110 documents (including duplicates) pertaining to the assassination.

The Review Board voted to release the FBI documents at issue during meetings conducted from May

through November 1996. The FBI subsequently appealed the Board's decisions to President Clinton, but did not brief these appeals pending a Presidential decision on 21 earlier appeals that had been fully briefed. The FBI withdrew appeals on those 21 documents on December 13, 1996.

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

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

Rankin Files

The Review Board recently transferred to the National Archives the personal files of J. Lee Rankin, General Counsel of the Warren Commission. Rankin's personal papers relate to his work for the Warren Commission. The files were donated to the JFK Collection by his son, James Rankin, during the September 17, 1996 Review Board public hearing in Los Angeles. Rankin's personal papers demonstrate the organization and development of the Warren Commission report. They include memos and handwritten changes to the draft chapters recommended by then Representative Gerald Ford (R-MI), John McCloy, and Allen Dulles, all Commission members, and U.S. Supreme Court Justice Earl Warren.

The Nagell Secret Service File

The Review Board last month voted to release the Secret Service file on Richard Case Nagell, a former Army intelligence officer who claimed to have knowledge of a conspiracy in the assassination of President John F. Kennedy. Nagell's alleged connections to the Kennedy assassination were described in the 1992 Richard Russell book "The Man Who Knew Too Much." Nagell claimed to have known Lee Harvey Oswald and to have had prior knowledge of plans to assassinate President Kennedy. As a result of the Review Board's action, now additional information is available to the public on this part of the history surrounding the assassination.

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

20, 1963, convicted, and sentenced to ten years in prison. The conviction was overturned in 1968, and he was released. He died in November 1995.

The Review Board voted to release the Secret Service documents despite privacy objections by the Federal Bureau of Prisons. The Board determined that the public's right to know outweighed the Bureau's privacy concerns. The Review Board redacted only two Social Security numbers in the file.

Recent Medical Interviews

ARRB staff recently conducted interviews of three former Parkland Hospital medical staff employees who were present during the treatment of President Kennedy in Trauma Room One on November 22, 1963. Interviews of Nurse Audrey Bell, Dr. Charles Crenshaw, and Dr. Robert G. Grossman were conducted in Texas in March.

Neither Dr. Crenshaw nor Dr. Grossman had been interviewed by either the Warren Commission or the House Select Committee on Assassinations. Although the HSCA had discussed issues related to Governor Connally's wounds with Nurse Bell, it did not ask her about President Kennedy's wounds, and she had never been contacted by the Warren Commission.

Document Review

Meeting at least once a month, the Review Board has continued to compile an impressive record since I last reported to you. In total, the Review Board has overseen the release of 10,478 documents between June 1995 and January 1997. Each month hundreds of additional documents are being added to that total. Some of the documents that are in the process of being transferred to the National Archives include records of the National Security Agency, military message traffic from the day of the assassination, the Immigration and Naturalization files of Marina Oswald, and the military records of Richard Case Nagell. It is expected that the rate of record release will accelerate in the coming months. At present, the John F. Kennedy Collection at the National Archives now totals the equivalent of 3.5 million pages of documents.

ARRB Staff

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

Conclusion

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