

fax to
Jim King
VOPM JW

606 4489
606 1000 voice
copy to Bertie
Marvin



FEB 3 1994

Honorable John Podesta
Assistant to the President
and Staff Secretary
The White House
Washington, DC 20500

Dear Mr. Podesta:

This purpose of this letter is to describe the need of the National Archives and Records Administration ("NARA") to have designated a Deciding Official in connection with a pending administrative personnel action and to request such designation.

In October 1992 The Senate Committee on Governmental Affairs (NARA's Senate oversight committee) issued a report (the "Senate Report") describing serious management problems at NARA and recommended, among other things, that the Archivist of the United States take action to address alleged misconduct of the former NARA Inspector General and other NARA officials. Pursuant to the recommendation of the Senate Report, the then Archivist of the United States referred the Senate Report to the President's Council on Integrity and Efficiency (the "PCIE"), which requested the Inspector General of the Department of Health and Human Services to investigate NARA with respect to the issues raised in the Senate Report.

In April, 1993, the Office of Inspector General of HHS issued its Study of NARA (the "PCIE Report"). The PCIE Report recommended that the Archivist review the actions of the former NARA Inspector General and other NARA officials "to determine if disciplinary action is appropriate." Pursuant to the recommendation of the PCIE Report, in May, 1993, the Acting Archivist (the Archivist during the period covered by the Reports resigned in March, 1993) appointed a Proposing Official to propose appropriate action, if any, with respect to the NARA officials named in the Senate and PCIE Reports. Under ordinary circumstances, the Archivist, as to the Inspector General, and the Deputy Archivist, as to the other NARA Officials, would be the Deciding Officials in such proceedings, since the persons involved are immediately subordinate to the Archivist or the Deputy Archivist; however, in the absence of a permanent Archivist, the Deputy Archivist and the Acting Archivist are, by statute (44 U.S.C. 2103(c)), the same person and therefore the Acting Archivist assumed she would be the Deciding Official for all three NARA officials.

With respect to two of the NARA officials involved, James Megronigle, Assistant Archivist for Management and Administration, and Lawrence Oberg, the NARA Inspector General during the period covered by the Reports, the Acting Archivist will act as the Deciding Official. However, with respect to Claudine Weiher, the Deputy Archivist during the period covered by the Reports, the Acting Archivist has been advised to recuse herself for the reason that she was present at meetings at which Ms. Weiher is alleged to have acted in an allegedly improper manner. As the Acting Archivist is the Agency head, there is no one in NARA she can designate to act as Deciding Official in her place and she has no authority to designate someone outside NARA to act as Deciding Official. Since the Archivist of the United States is appointed by the President with the advice and consent of the Senate and since, as noted, the Deputy Archivist is the Acting Archivist when the position of Archivist is vacant, it is appropriate for the Executive Office of the President to designate the Deciding Official in the place of the recused Acting Archivist.

We anticipate that the decision of the Proposing Official will be rendered within the next several weeks. Accordingly, we would appreciate it if you would arrange to have the Executive Office of the President designate a Deciding Official to act on the action, if any, proposed by the Proposing Official with respect to Claudine Weiher.

Please let me know the name and title, address and telephone number of the person designated to act as the Deciding Official in this matter. If you or the designated Deciding Official have any questions, please contact me at NARA, tel.: 501-5130.

Sincerely,



MARC H. MONHEIMER
Senior Advisor to the Archivist

cc: Dr. Trudy Huskamp Peterson, Acting Archivist of the
United States
Martha L. Girard, Director, Office of the Federal
Register (Proposing Official

R. Paul Richard, Special Assistant to the President
and Deputy Staff Secretary

March 23, 1993

MEMORANDUM FOR JOHN D. PODESTA

93 MAR 24 10:16

FROM:

LEE R. JOHNSON

Lee

SUBJECT:

INKS AND PENS (CONTINUED)

Attached is a note from one of the conservators, Susan Lee-Bechtold, of the National Archives, reporting the results of testing of submitted pens.

To summarize, the Sanford Sharpie fine point delivered to us by Steve Rabinowitz seems to be quite adequate, as is the extra fine point version of the same pen that we presently use for auto-penning. Surprisingly, the Parker you gave to me did not do well in the submersion test--it bled significantly. This was a surprise to Lee-Bechtold who told me that she has rarely encountered this with ball point ink. She also related that a similar Parker pen submitted during the Reagan Administration for testing did not exhibit this problem.

The other two pens really were submitted for control purposes and are presently not being used. We will not use the Skillcraft as it appears to be clearly inadequate, and we will not use the Pigma Micron at this point because the Sharpie extra fine point is doing the job.

As to the Parker, we could submit another pen of the same make to see if the first test was an aberration. And/or we could submit other pens for testing. Let me know what you want us to do.

Lee
Thanks.
I'll get you samples
of our two new pens
John
3-25-93



Washington, DC 20408

March 2, 1993

Mr. Lee Johnson
Office of Records Management
The White House
Washington DC 20500

Dear Lee:

The Research and Testing Laboratory in the Document Conservation Branch tested the five pens you submitted, for solubility in water, pH, and resistance to light fading.

For these tests our chemists covered neutral test papers with each of the inks. A sample of the paper was pulped and the slurry checked for Ph by the cold extraction method to see if the acidity/alkalinity of the ink covered paper had changed; a sample is checked to see if the dry ink will bleed in water; and finally, a sample is exposed to artificial light under controlled conditions to see if the ink will fade.

The two pens which you proposed using for handwritten signatures were the Sharpie and the Parker. They are quite different pens, the Parker being a traditional ball point, and the Sharpie being a marker. The Sharpie was found to fade more than the Parker, but in neither case was the fading significant. Both inks decreased the pH of the paper to which they were applied only very slightly. When exposed to water the Sharpie showed only a few dots of a purple component which offset to the paper held in contact with the inked paper during submersion. The Parker however, bled significantly which is unusual for a ball point ink.

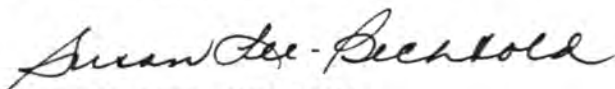
The three pens suggested for use in the autopen were tested the same way. Of the three, the Pigma Micron increased the alkalinity of the paper slightly, the Sharpie Extra Fine didn't change the pH at all, and the Skillcraft lowered it slightly, but in no case was the change cause for concern. The Pigma Micron change the most when exposed to the fading test. The change was 6.5 brightness units, a magnitude of change which we consider unacceptable in boxes and file folders. Most of our testing of writing inks has been on black inks so we are not able to give you a idea of how this compares to other blue writing inks. The Sharpie Extra Fine and the Skillcraft inks faded about the same amount as the Sharpie, but these were all inconsequential. The Skillcraft ink bled almost instantly when placed in water. The Pigma Micron ink offset slightly to the paper held to the ink

during the submersion, but did not bleed into the water, and the Sharpie Extra Fine didn't offset or bleed at all.

To give you some idea of the severity of the fading test, we subjected the British Blue Wool standard to the same fading test. This involves a strip of ten wool patches, each dyed with a successively fade vulnerable ink. This test produced visible change through step four of the scale, a change that would be considered moderately severe but not extreme.

The overall ranking of the five inks would be the Sharpie Extra Fine best, the Sharpie next, the Pigma Micron next, and the Parker and Skillcraft last because of the bleeding, and definitely not recommended.

In the past we tested the Pigma Micron pen in black, and have recommended this pen. It is difficult to compare that pen with the Sharpie, especially on the fading test, unless we run the two inks side by side in the Fadeometer. If you were interested in using a Pigma Micron pen we would be glad to make the side by side comparison, but we would need a new Sharpie for this test. There is not a great deal of ink left in the one we tested.

A handwritten signature in cursive script, reading "Susan Lee-Bechtold".

SUSAN LEE-BECHTOLD
Supervisory Chemist, Document Conservation Branch
Preservation Policy and Services Division

THE WHITE HOUSE
WASHINGTON

seen
2 9-93

JAN 27 P7:29

January 27, 1993

MEMORANDUM FOR JOHN D. PODESTA

FROM:

LEE R. JOHNSON *lr*

SUBJECT:

PRESIDENTIAL INKS AND PENS

Attached is a letter from Norvell Jones of the National Archives outlining past testing of White House inks and pens and expressing a willingness to perform further testing. If you want to pursue this, I will be glad to act as courier of whatever pens or inks you wish tested.

One additional note: Norvell informed me by phone today that what pen manufacturers usually mean by the term "permanent" actually means waterproof. In other words, such inks may be neither fade or light resistant.



January 26, 1993

BY FAX

Mr. Lee Johnson
Office Of Records Management
The White House
Washington DC 20500

Dear Lee:

In the past we have recommended to the White House ink that is non-acidic, does not fade when exposed to artificial light aging, and does not bleed in water.

In 1988 Susan Lee-Bechtold in the Research and Testing Laboratory tested three inks supplied by the White House. They were a commercially available ink from Parker and two unidentified inks supplied by Parker in cartridges directly to the White House. The third ink, which we believe was a suspension of finely ground pigment, tested very well. Owen Jones at Parker, (608) 755-7333, was the contact for this ink. We believe that it was the intention at the White House that the President use this ink for official signatures, but we had no further involvement after our testing.

In September of 1989 we again tested samples of ink, this time intended for use in the autopen. A copy of that information is attached.

At the National Archives we use a Sakura Pigma pen to enter declassification information. Although not of U. S. manufacture, it was the most permanent pen we were able to find on the retail market when we were looking several years ago. We can look at any other commercially available pens you would like us to test.

As I understand your most recent request, you are also interested in ink that could be used for informal writing and signatures including inscriptions on photographs. For permanence, the qualities you require for this ink are the same ones that are required for official signature ink. The ink must be non-acidic, and resistant to fading and bleeding. The other requirements are that the ink adhere to the substrate--some inks have a tendency to bead and/or flake on slick surfaces like photographs--and that the ink be deliverable in a writing instrument comfortable for the writer. These last two requirements combined with the first three apparently are sometimes a challenge for ink formulators.

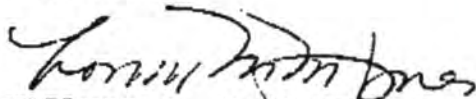
If commercially available pens are not able to meet your needs including permanence, you may need to go directly to

manufacturers to locate a suitable pen.

We can test any other ink samples that you wish for permanence, but you should probably determine first from the manufacturer that they can be delivered in a comfortable instrument. We can perform our tests most effectively if we have samples of the ink both in the delivery system (that is, either a cartridge or pen), as well as in a small bottle or jar as appropriate to the viscosity of the ink; however, we can perform tests with only the ink in a pen. The testing takes about three weeks for a group of three samples. Additional samples will take a little longer.

If you need additional information I can be reached at 501-5360.

Sincerely,



NORVELL M. M. SONES

Chief, Document Conservation Branch
Preservation Policy and Services Division

Mr. Jim Hastings
White House Office of Records Management
Washington, DC

Dear Jim:

The Research and Testing laboratory of the Document Conservation Branch tested the four inks which you sent us. To test the inks we covered sheets of a neutral pH paper with lines. We allowed the sheets to dry, then cut them and tested them for bleeding, fading and change in pH.

The two KIN pens were a fiber tip which wrote easily, bled badly in water and faded quite a bit when exposed to a sun lamp. They were also slightly acidic. The Staedtler and Koh-i-noor pens produced finer lines, did not bleed and did not fade appreciably. The Staedtler ink was slightly acidic but the Koh-i-noor was not. Thus we would recommend the Koh-i-noor pen for use in the autopen.

I have inclosed the bleeding samples so that you can see the results, as we do not have a means for measuring this. Fading results were; KIN (black) after 96 hours in the Sunlighter gained $13. \pm 3.2$ brightness units, KIN (blue) after the same time gained 3.0 ± 0.5 units brightness, the Staedtler ink lost 1.7 ± 1.6 units of brightness (it actually got darker) and the Koh-i-noor lost 1.5 ± 1.7 units of brightness also. The pH of the water extracts were as follows; KIN (blue) 6.85, KIN (black) 6.75, Staedtler 6.65 and Koh-i-noor 7.15.

If you have any further questions give us a call.

Sincerely,

Susan Lee-Bechtold
Supervisory Chemist
Document Conservation Branch

cc: Official file - NNPD
Reading file - NNPD
Reading file - NNP
SL-Bechtold:ekt:9-15-89

National Archives



Washington, DC 20408

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
7TH AND PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20408

TELEFACSIMILE TRANSMISSION COVER SHEET

FROM:

NAME: Marc MonheimerOFFICE: Senior Advisor to the Archivist

TELEPHONE NUMBER:

(202) 501-5130

TELEFAX NUMBER:

(202) 501-5244

TO:

NAME: Paul Richards'LOCATION: Deputy Staff Secretary

TELEPHONE NUMBER:

(202) 456-2702

TELEFAX NUMBER:

(202) 456-2215SPECIAL INSTRUCTION OF MESSAGE: Per our telephone
conversationDATE: 11/9/93

5

TIME: _____

1 OF 24 PAGES

Mau
COPY

DATE: November 2, 1993

MEMORANDUM TO: John Podesta, Assistant to the President and Staff Secretary

FROM: MARC H. MONHEIMER, Senior Advisor to the Archivist of the United States and White House Liaison

SUBJECT: Scheduled 11/17/93 Oversight Hearing of Subcommittee on Legislation and National Security of House Committee on Government Operations regarding the President John F. Kennedy Assassination Records Collection Act of 1992 (the "Act")

PURPOSE: The purpose of this Memorandum is to apprise you of developments and issues of possible concern in connection with the referenced hearing.

NARA's legislative liaison has been advised that the Subcommittee will receive testimony from the following persons in the order set forth:

1. Trudy Huskamp Peterson, Acting Archivist of the United States.
2. Gerald Posner, author of Case Closed, which supports the findings of the Warren Commission.
3. Jim Johnston, former staff member of the Senate Select Committee on Intelligence and writer on the Cuba-Oswald connection. Mr. Johnston has been requesting newly released assassination materials.
4. Professor G. Robert Blakey of Purdue, former Louis Stokes' counsel on the House Select Committee on Assassinations. Prof. Blakey is a supporter of the findings of his Committee, author of the first draft of the Act and a critic of the Administrations' delay in appointing Review Board members.
5. James Lasar, Director of the National Assassinations Archives and a vocal supporter of the Act. He has been quoted as "outraged" at the Postponement decisions of the CIA and the FBI.

It is likely that several themes will be developed in the course of Chairman John Conyer's (D-Mich) opening statement:

How well is the law functioning. Chairman Conyers can be expected to be critical of the Administration's implementation efforts, primarily the delay in appointing members of the Review Board, which must pass on Agency decisions to postpone public disclosure of assassination materials, and agency Postponement decisions. As of October 27th, four members of the Board had been nominated. The Act requires the Senate to hold confirmation hearings within 30 days in which the Senate is in session after the nomination of 3 Review Board members. Therefore, the Administration cannot claim delay caused by the Senate's failure to confirm, but it can urge prompt action now that more than three Review Board members have been nominated. Nomination of the fifth Review Board member before the Hearing would be advantageous and would provide the opportunity for a public relations effort to explain the delay, perhaps in the framework of the need for careful consideration of the appointees and the press of other matters as well as other nominations.

Has the law been successful in "debunking outlandish theories" regarding the assassination? The public witnesses invited are "mainstream" researchers who have, presumably, been selected to answer this question affirmatively.

Has NARA fully complied with the law and fulfilled its responsibilities in a timely and effective manner? The testimony of the Acting Archivist will answer the question affirmatively. In addition, there will be a letter of thanks/endorsement from Chairman Charles Rose of the House Administration Committee thanking NARA for the work performed on 550,000 pages of House Select Committee on Assassinations material, 98% of which has been cleared and is available to the public. A minor possible issue is the delay in obtaining permission from some donors to the Johnson and Kennedy libraries, but there has been no delay in requests or follow-up and it is not likely this issue will be of consequence. Attached is a detailed outline from which the testimony to be given by the Acting Archivist is being prepared. A draft of her testimony should be ready by 11/7. *release*

Potential Committee/public criticism of the administration can also be expected in connection with the perceived failure of some Agencies to act promptly and to seek Postponement of release of materials, an issue exacerbated by the delay in appoint Review Board members. Under the Act, NARA is not involved with Agency materials until the Agency has reviewed its materials and released them to NARA for public release. Anecdotally, NARA is aware that the CIA has reviewed approximately 125,000 pages and will seek to Postpone approximately 10,000 pages. In addition, the CIA has 73 rolls of microfilm containing 150,000 more pages which have not been reviewed. The FBI has approximately 3.2 million pages, grouped in 4 core collections, much of which is duplication. As of July, it is believed the FBI has reviewed about 1/4 of the approximately 800,000 pages in a core collection, much of which is material which has been released. *one*

NARA is informed that no CIA or FBI witnesses will be called; rather, those Agencies will submit written testimony for the record.

It is entirely possible that the witness list will change before the hearing occurs.

The Act expires October 26, 1994, but may be extended for 1 year by its terms. The Administration may wish to consider publicly recommending the extension of the Act to allow a reasonable time for Review Board considerations of Agency Postponement decisions. *6*

cc: Official File - N
Reading File - N

N MHMonheimer paf 501-5130 11/02/93

DOC:PDDMEMO:wp

FILECODE: Senior Advisor to the Archivist - Marc H. Monheimer

MEMORANDUM

93 DEC 4 PM 12:03 Date: December 3, 1993

To: John Podesta
From: Marc H. Monheimer 
Subject: Desert Shield/Desert Storm Records

Probably as a result of the attached Newsweek article, the Archives Director of Congressional affairs received an oral request from Don Goldberg, Assistant Staff Director of the House Committee on Government Operations, the Archives oversight subcommittee, for all correspondence relating to the early accession from the Air Force of the referenced records. Goldberg suggested that the Committee may hold hearings on the matter of the possible removal of official records from government custody by General Norman Schwarzkopf on his retirement from military service. The Air Force was the designated record keeping agency for the joint operations. The attached set of letters from April 1, 1993 to October 14, 1993 have been delivered to the Subcommittee.

Pursuant to her statutory duty to insure that Federal Records are retained by the government, the Acting Archivist has written the Air Force the enclosed letter dated today. If the General took documents with him and if those documents were Federal Records, the law has been violated. If the documents which are not among the Collection in the Archives are as they have been described, the Acting Archivist is of the opinion that they are Federal Records. In an analogous situation involving the notes of Henry Kissenger's telephone conversations kept by his secretary and taken with him when he left government service, in January, 1981, the Justice Department ruled that the authority of the Archives is limited to giving guidance as to whether documents are records and that the Agency is empowered to make the decision without the participation of the Archives.

If the matter heats up, the Archives will simply be a reporter of events relating to the records delivered to it by the Air Force. Presumably the pressure will be on the Air Force. I thought you should be aware of the matter because of the potential attendant public and Congressional pressures.

APR 1 1993

Mrs. Grace T. Rowe
Department of the Air Force
SAF/AADAQD
Washington, DC 20330

Dear Mrs. Rowe:

Enclosed for your signature is a Standard Form 258 for 165 cubic feet of records accumulated by the U.S. Central Command (CENTCOM) during Operation Desert Shield/Desert Storm. These records, which are in the CENTCOM Historian's Office, have been arranged and described by a NARA archivist on detail to CENTCOM and will be transferred to us after CENTCOM has copied them on to optical disk. If you concur in this transfer, please sign the enclosed SF 258 and return it to me.

We very much look forward to receiving these records, which will be a valuable addition to our holdings. We are, accordingly, grateful to Air Force and CENTCOM for agreeing to their early transfer. We are, however, concerned that other CENTCOM records may have been destroyed without authorization or otherwise alienated. For example:

1. No CENTCOM records pre-dating Desert Shield/Desert Storm appear to be extant. None have been retired to our FRCs nor have any been located, to date, at MacDill AFB.

2. A collection of materials pertaining to escort operations in the Persian Gulf, 1987-1990 (Operation Earnest Will), is considerably smaller than what we had initially been led to expect.

3. The total volume of all the records that have been located on Desert Shield/Desert Storm is relatively low and very few files are security classified above SECRET.

4. We were informally told that General Schwartzkopf has retained his message file and possibly other official records.

We would very much appreciate your looking into the matters outlined above and letting us know what you learn. To better ensure the preservation of records of CENTCOM and other unified commands, NARA will, during FY 94, work with the Office of the Secretary and the services to develop a generic schedule for these organizations. As an interim measure to avert the disposal of historically valuable records, we suggest that you ask CENTCOM to use the rules applicable to the highest echelon of command (i.e., HQ USAF and/or MACOMS) when they apply the disposition instructions contained in AFR 4-20.

We look forward to hearing from you. If you have any questions,
please call me on 501-6040.

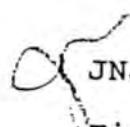
Sincerely,


JAMES J. HASTINGS
Director
Records Appraisal and
Disposition Division

Enclosure

Official File - NI
Day File - NIR

cc: NN
NNT
NN-W
Ebben

 JNashorn:mj

t3/30/93

doc: AF2.JN:wp

File - Air Force



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC 20330-1000



OFFICE OF THE SECRETARY

JUL 21 1993

Mr. James J. Hastings
Director
Records Appraisal and
Disposition Division
National Archives and Records
Administration
Washington, DC 20408

Dear Mr. Hastings:

We refer to your letter of 9 April 1993 regarding the SF 258 transferring 165 cubic feet of Operation Desert Shield/Storm records from the CENTCOM Historian's Office to National Archives. We signed that form and forwarded to NARA.

Additionally, you asked for information on several items reference the records at CENTCOM. We forwarded your letter to them and have now received their comments on the specific items. We attach the CENTCOM letter for your information.

Sincerely,

GRACE T. ROWE
Chief, Records Mgt Policy Branch
Directorate of Information Mgt

1 Atch
Ltr, 9 Jul 93
from CENTCOM



UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

CCJ1

09 JUL 1993

SUBJECT: Response to National Archives and Records Administration
(NARA)

TO: SAF/AAIA

ATTN: Grace T. Rowe
1610 Air Force Pentagon
Washington, DC 20330-1610

1. In response to your 9 Apr 93 letter, the following is provided for your information and use in response to inquiries from NARA:

a. STATEMENT: No CENTCOM records pre-dating DESERT SHIELD/DESERT STORM appear to be extant. None have been retired to NARA nor have any been located, to date, at MacDill AFB.

DISCUSSION: To the contrary, records for CY 83-87 have been retired to the Washington National Records Center (Encl 1). This command is complying with Air Force Records Management procedures as confirmed by the 14 Jul 92 Records Management Program Review conducted by Mr. Jay Rivest, SAF/ AAIA (Encl 2).

b. STATEMENT: A collection of materials pertaining to escort operations in the Persian Gulf, 1987-1990 (Operation ERNEST WILL), is considerably smaller than what we had initially been led to expect.

DISCUSSION: Surviving CENTCOM records from Operation ERNEST WILL, 1987-1990, are included in the Operation DESERT SHIELD/DESERT STORM archive project currently underway. These records comprise the total holdings this command has on Operation ERNEST WILL.

c. STATEMENT: The total volume of all the records that have been located on Operation DESERT SHIELD/DESERT STORM is relatively low and very few files are classified above SECRET.

DISCUSSION: The current collection of Operation DESERT SHIELD/DESERT STORM files set aside for archiving are all that currently exist from that time period. These are CENTCOM generated documents and do not necessarily include those records created by our component commands. With respect to the security issue, many of these documents, although originally classified TOP SECRET, were downgraded after the war in accordance with the DOD Declassification Guidance for Post-DESERT SHIELD/DESERT STORM. In addition, following an agreement with the Defense Intelligence Agency (DIA) on 16 Apr 93, USCENTCOM will forward TOP SECRET/SCI documents to the DIA History Office for electronic disposition. DIA will then retire the paper copy of these records to the NARA

SCI facility at Suitland, MD.

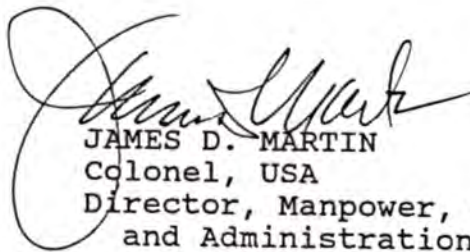
d. STATEMENT: We were informally told that General Schwarzkopf has retained his message file and possibly other official records.

DISCUSSION: Our records which were verified by a conversation with General Schwarzkopf's office, indicates that all official records have been returned to USCENTCOM.

2. All records covering the period of Operation DESERT SHIELD/ DESERT STORM are currently being archived within the Adjutant General Division and as records sets are scanned, they will be packaged for retirement to NARA in accordance with established procedures and the MOU between NARA and USCENTCOM. With the addition of the Excalibur system, NARA should see an increase in the amount of historical records retired from this headquarters.

3. POC this Headquarters is Maj J. L. Royster, CCJ1-AG, DSN 968-6679/ 6383.

Encls
as



JAMES D. MARTIN
Colonel, USA
Director, Manpower, Personnel,
and Administration

National Archives



Washington, DC 20408

September 7, 1993

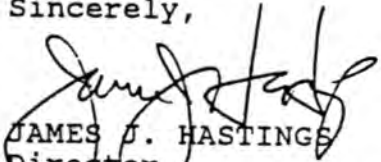
Mrs. Grace T. Rowe
Department of the Air Force
SAF/AADAQD
Washington, DC 20330

Dear Mrs. Rowe:

Thank you for your letter of July 21, 1993, forwarding a report from Colonel James D. Martin concerning the disposition of certain records accumulated by the U.S. Central Command (CENTCOM). Item 1(d) of Colonel Martin's report states that all official records accumulated by General Schwarzkopf have been returned to CENTCOM custody. We would appreciate it if CENTCOM would provide us with a brief series description of these records that includes the volume, date span, and arrangement. We need this information to update our inventory of CENTCOM records, which currently does not include any references to the General's files.

We look forward to hearing from you. If you have any questions, please let us know.

Sincerely,


JAMES J. HASTINGS
Director
Records Appraisal and
Disposition Division



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC



OFFICE OF THE ASSISTANT SECRETARY

16 Sep 93

SAF/AAIA
1610 Air Force Pentagon
Washington, DC 20330-1610

Maj James Royster
CCJ1-AG
United States Central Command
7115 S Boundary Boulevard
MacDill AFB, FL 33621-5101

Dear Maj Royster:

National Archives and Records Administration (NARA) is requesting information on records of General Schwarzkopf that were returned to the base.

We attach the 7 September 1993 letter from NARA for your information and action. Please reply through this office.

Sincerely,

Grace T. Rowe
GRACE T. ROWE
Chief, Records Mgt Policy Branch
Directorate of Information Mgt

1 Atch
NARA Ltr, 7 Sep 93



UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

24 SEP 1993

CCJ1

SUBJECT: Response to NARA (7 Sep 93 Ltr)

SAF/AAIA

ATTN: Mrs. Grace Rowe
1610 Air Force Pentagon
Washington, D.C. 20330-1610

1. In response to your 16 Sep 93 letter, and to further clarify on 9 Jul 93 letter, same subject, the records referred to agency records and not personal records. All official documents used by General Schwarzkopf to prepare his final report to Congress were returned to CENTCOM and are part of the Desert Shield/Desert Storm records currently being archived by the Adjutant General Division.
2. There is no way to determine exactly which of the above referenced records were reviewed by General Schwarzkopf and therefore no separate series description is available.
3. The point of contact within USCENTCOM for this action is Maj James L. Royster, CCJ1-AG, at DSN 968-6383/6679.

Robert J. Martinelli CCJ1
Robert J. Martinelli
Colonel, USAF
Director, Manpower, Personnel
and Administration



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC 20330-1000



OFFICE OF THE SECRETARY

SAF/AAIA
1610 Air Force Pentagon
Washington, DC 20330-1610

OCT 14 1993

Mr James J Hastings
Director
Records Appraisal and
Disposition Division
National Archives and Records
Administration/NIR
Washington, DC 20408

Dear Mr Hastings:

We refer to your letter of September 7, 1993 regarding the disposition of certain records and those official files accumulated by General Schwarzkopf that had been returned to CENTCOM custody.

We queried CENTCOM about these records. We attach their reply for your information.

Sincerely,

Grace T. Rowe

GRACE T. ROWE
Chief, Records Mgt Policy Branch
Directorate of Information Management

1 Atch
Ltr frm CENTCOM

National Archives



Washington, DC 20408

DEC 3 1993

Honorable Sheila E. Widnall
Secretary of the Air Force
Washington, DC 20330-1670

Dear Secretary Widnall:

I am writing in regard to files accumulated by General Norman Schwarzkopf as Commander in Chief of the United States Central Command (CENTCOM). Earlier this year, my staff asked Air Force, as executive agent for CENTCOM, to look into allegations that the General retained records concerning Operation Desert Shield/Desert Storm. In response, the Air Force records management officer forwarded us two reports from CENTCOM stating that General Schwarzkopf's files are included in the Command's official records (see enclosed). However, Newsweek has recently reported allegations that General Schwarzkopf maintains in his possession certain documents that are usually regarded as Federal records. These include phone logs, a log kept by the General's executive officer, and graphics depicting the progress of Operation Desert Storm (see enclosed).

The Federal Records Act (44 USC 2905) requires the Archivist of the United States to notify agency heads if official records have been removed from government custody (see enclosed). Pursuant to this provision, I would appreciate it if you would determine whether or not General Schwarzkopf maintains in his custody any official CENTCOM records, particularly the types of documents discussed in the enclosed article. Please provide me with a report of your findings. If you have any questions concerning this matter, please call me on (202) 501-5130.

Sincerely,

Trudy Huskamp Peterson
TRUDY HUSKAMP PETERSON
Acting Archivist
of the United States

Enclosures

Periscope

GULF WAR

Anti-Scud Duds

SINCE THE WAR AGAINST Iraq, the Pentagon has acknowledged the Patriot missile was not as unerringly successful against Iraqi Scuds as once claimed. Now, in a taped interview, two former Israeli defense officials, Moshe Arens and Gen. Dan Shomron, say the Patriot was a dud: at best, it knocked out one Scud over Israel; at worst, probably none—a conclusion backed up by a secret Israeli Air Force study obtained by NEWSWEEK. Arens says he told George Bush on Feb. 11, 1991, the Patriots were intercepting only "about 20 percent" of incoming Scuds. Four days later, Bush, parroting Pentagon statistics, praised its score as near perfect. The army still insists the missile's success rate over Israel was 40 percent.

Not so hot? A Patriot over Israel



His own historian: Schwarzkopf during the gulf war

EXCLUSIVE

Stormin' Steams the Army

STORMIN' NORMAN SCHWARZKOPF is a hero to everyone these days—except the U.S. Army. For their newly published history of the gulf war, "Certain Victory," army historians interviewed 101 key players, including 32 generals, with one striking omission: Desert Storm commander General Schwarzkopf. The trouble started, army sources say, as soon as the gulf crisis broke in August 1990. First, Central Command's official historian was ejected three times from

Schwarzkopf's headquarters. Then, in Saudi Arabia, Schwarzkopf refused repeated requests that he permit a campaign historian to join his HQ in Riyadh.

To make matters worse, Schwarzkopf took with him into retirement the minute-by-minute campaign log kept by his executive officer. The diary was a key source for the general's \$5 million memoirs, but army sources say he has denied historians access to it. Beyond that, the sources say, Schwarzkopf also took phone logs, copies of documents and sheaves of graphics prepared during the war, showing the progress of battle—all of which he's refused to share. For its own history, the army had to reconstruct the graphics by going from unit to unit "all over the world," the sources say. But what's really miffed his former comrades, the sources say, is Schwarzkopf's refusal to address army audiences—while reportedly getting up to \$60,000 a pop on the lecture circuit.

Schwarzkopf says he knows nothing about the absence of historians from his HQ. He denies taking official papers and says the army didn't ask to interview him or to see his diaries. As for talking to army schools, he claims it's just "good form" to wait a few more years.

WASHINGTON FAX

Packing It In?

Would embattled Oregon Sen. Bob Packwood resign? Last week his lawyer hinted he was thinking about it. Then on Saturday Bob Dole suggested Packwood had decided to tough it out in the face of a Senate inquiry into charges of sexual harassment. But friends of Packwood worry privately he may have already waited too long. If he had bailed out earlier, he might have left with his dignity—and his diaries. But discussions with the Senate Ethics Committee were overtaken when the Justice Department announced a criminal investigation into Packwood's dealings with a Japanese company. By resigning, Packwood would likely get the Senate to drop its probe—but not the Feds.

CLICHE WATCH

NAFTA, Schmafta

PRO OR CON, BE THANKFUL last week's vote on NAFTA will spare us more bad trade-agreement puns. Examples:

NAFTA: WE HAFTA—slogan on a hat worn by Bill Clinton
CLINTON TURNS ON THE NAFTA BURNERS—New York Daily News

AFTER NAFTA, BILL GIVES SHAFTA TO SPENDING CUTS—The Wall Street Journal
NAFTA SHOCK—New York Post

NAFTAMATH—The Washington Post
THE MORNING NAFTA—New York Daily News

No news is good news



CONVENTIONAL WISDOM WATCH

After NAFTA Edition

George Bush negotiated NAFTA, but if he had been re-elected, the treaty would have been dead as a doornail in the heavily Democratic House. Maybe labor should have backed Bush.

Players

B. Clinton



He's turned the corner, mastered the job, bridged the stature gap. Until next week.

A. Gore



From Perot to Peru. Next debate: Warren Christopher on foreign policy.

R. Perot



It's November, what was the CW supposed to remember? Now stop interrupt . . .

Elite Media



Smug pro-NAFTA bias. If only we could hire some Mexican pundits at \$1 an hour.

Bradys



Fought seven years for five-day gun wait. But what about bullets?

E. Rollins



Former Reagan campaign chief in new career as Liars Anonymous group leader?

Conventional Wisdom

§ 2905. Establishment of standards for selective retention of records; security measures

(a) The Archivist shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying the standards to records in their custody. He shall notify the head of a Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency that shall come to his attention, and assist the head of the agency in initiating action through the Attorney General for the recovery of records unlawfully removed and for other redress provided by law. In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.

(b) The Administrator of General Services shall assist the Administrator for the Office of Information and Regulatory Affairs in conducting studies and developing standards relating to record retention requirements imposed on the public and on State and local governments by Federal agencies.

§ 2906. Inspection of agency records

(a) (1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Ad-

ministrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.

§ 2907. Records centers and centralized microfilming services

The Archivist may establish, maintain, and operate records centers and centralized microfilming services for Federal agencies.

§ 2908. Regulations

Subject to applicable law, the Archivist shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

§ 2909. Retention of records

The Archivist may empower a Federal agency, upon the submission of evidence of need, to retain records for a longer period than that specified in disposal schedules; and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules.

RECORDS MANAGEMENT BY FEDERAL AGENCIES

(44 U.S.C. Chapter 31)

Sec.

- 3101. Records management by agency heads; general duties.
- 3102. Establishment of program of management.
- 3103. Transfer of records to records centers.
- 3104. Certifications and determinations on transferred records.
- 3105. Safeguards.
- 3106. Unlawful removal, destruction of records.
- 3107. Authority of Comptroller General.

§ 3101. Records management by agency heads; general duties

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

National Archives



Washington, DC 20408

DEC 8 1993

Mr. R. Paul Richard
Special Assistant to the President
and Deputy Staff Secretary
The White House
Washington, DC 20500

Dear Paul:

Attached are copies of the DOD and NARA press releases, which triggered an inquiry by me along the same lines as yours, together with a Summary of Activity Related to POW/MIA Records prepared for me by the Office of the National Archives (the Washington Records Center) of the NARA staff shortly after the releases were published. Both releases came out in early November, notwithstanding the July 21 date on the Library of Congress release. After reading the Summary, I concluded that the only real issue was the failure, again, of two government agencies dealing with similar issues and a similar segment of the public to coordinate their activities, especially their press releases. It would have been a good idea if DOD had selected NARA as the "library-like location" instead of the Library of Congress, but that decision may have been based on other contracting arrangements between DOD and LOC. The failure to coordinate press releases may, or may not, be another example of the lack of information about NARA in other executive branch agencies, as much a NARA problem as an other agency problem and one which we hope will be quickly addressed when a permanent archivist is on board.

Let me know if further information is needed.

Sincerely,

MARC H. MONHEIMER
Senior Advisor to the Archivist

Enclosures

National Archives

Washington, DC 20408
(202) 501-5525

For Immediate Release

NEWS RELEASE

National Archives Releases POW/MIA Materials

Washington, D.C. . . The National Archives is making available material pertaining to Prisoners of War and Missing in Action which has been declassified within the last two years. This initiative is due to increased interest by researchers and also to Executive Order 12816 of July 22, 1992, directing executive agencies to declassify and release records relating to POW/MIAs.

These materials are available at the Main National Archives Building in Washington, DC and at the National Archives Suitland, Maryland facility. Both facilities will be closed on Veterans Day, November 11, 1993. At the main building, hours of operation are Monday through Friday 8:45 A.M. - 9 P.M., Saturday 9 A.M. - 5 P.M. At the Suitland facility, hours of operation are Monday through Friday 8 A.M. - 4:15 P.M., Saturday by appointment only.

Following is a partial listing of materials available from the National Archives:

Files of Sam Klaus, Labeled Aircraft Incidents Files, 1944-62, State Department Lot File 64D551. Included are memoranda, reports, telegrams, airgrams, despatches, correspondence, diplomatic notes, charts, maps, tracings, photographs and other materials relating to lost aircraft and airmen. Approximately 100,000 pages of material is available at the Main National Archives Building. For more information about these records, call the Civil Reference Branch at (202) 501-5425.

Records of the Investigatory Records Repository of the Army Security and Intelligence Command. Approximately 1,500 pages have been declassified. There are no restrictions on this material. This material is available at the Main National Archives Building. For more information about these records, call the Military Reference Branch at (202) 501-5385.

Files of Missing In Action and Military Advisors Command, Vietnam. Approximately 31,000 pages of material is available. Included are alphabetical files on Americans missing in action in Vietnam,

(MORE)

Weekly Synopsis Bulletins, Translation Reports and Interrogation Reports from the Command Document Exploitation Center and the Combined Military Interrogation Center. This material is available at the Suitland, Maryland facility. For more information about these records, call the Suitland Reference Branch at (301) 763-7410.

Records of the Judge Advocate General (Army) from the Korean War, including files related to the War Crimes Branch, Operation Big Switch Interrogation Reports, 1953-54, and Returned, Exchanged and Captured American Personnel--Korea Case Files, 1953-54. These materials are arranged alphabetically by name of serviceman. Approximately 9,000 pages of material. This material is available at the Suitland, Maryland facility. For more information about these records, call the Suitland Reference Branch at (301) 763-7410.

Nixon Presidential Materials, National Security Council Files. Approximately 3,000 pages of material will be available on November 10, 1993. Included are letters, memoranda, telegrams, memoranda of conversations and related documentation created or received by Dr. Henry Kissinger, Assistant to the President for National Security Affairs and his staff. Many of the documents concern the ongoing peace negotiations in Paris. This material will be available at the Main National Archives Building. For more information about these records, call the Nixon Presidential Materials Project at (703) 756-6498.

* * * *

For press information, contact the National Archives Public Affairs Staff at (202) 501-5525.

WASHINGTON DC 20540

THE LIBRARY OF CONGRESS**NEWS**

PUBLIC AFFAIRS OFFICE 202 707 2905

July 21, 1993

Contact: David Osborne (202) 245-5240
Federal Research Division

LIBRARY OF CONGRESS OPENS POW/MIA DATA BASE

On July 1, the POW/MIA Data base was opened to the general public at a computer workstation located in the Library of Congress Computer Catalog Center in the Thomas Jefferson Building. The data base is the creation of the Library of Congress's Federal Research Division, which is indexing documents declassified by the Department of Defense concerning American prisoners of war and those missing in action in Southeast Asia. The title of the collection is Correlated and Uncorrelated Information Related to Missing Americans in Southeast Asia.

The Federal Research Division is receiving the documents from the Department of Defense pursuant to the FY 1992 National Defense Authorization Act. Section 1082 of the Act, Disclosure of Information Concerning United States Personnel Classified as Prisoner of War or Missing in Action During Vietnam Conflict, requires placement of the information in a "suitable library-like location within a facility within the National Capital region for public review and photocopying." The Library of Congress was selected for that setting, and the Federal Research Division was contracted to index the documents for input into a computer-searchable file. Upon completion of the indexing, the documents are microfilmed for public use and preservation.

- over -

Documents being declassified include the fifteen volumes of Uncorrelated Information Related to Missing Americans in Southeast Asia, released December 15, 1978, Indochinese Refugee Reports, Source Reports (containing verified live sightings of Americans in Southeast Asia, hearsay live sightings, grave site and crash site information), and Casualty Files.

The public will be able to use the workstation to search the index using keywords, date of information, type of document, country of incident (Vietnam, Cambodia, and Laos), and by personal names. Because of restrictions, the number of documents with names is limited.

The National Defense Authorization Act prohibits public release of information on living persons unless they consent in writing. It also prohibits the release of information on a person who is dead, incapacitated, or whose whereabouts are unknown unless consent is given by "a family member or family members of that person determined to be appropriate by the Secretary of Defense."

Library patrons may print the results of their search, request the microfilm from the Microform Reading Room in order to examine the documents, and make photocopies. The documents microfilmed are the same copies indexed by Federal Research Division staff. Neither the Library of Congress nor the Federal Research Division is responsible for the declassification of the documents.

The indexing is continuing and the data base will be updated on a regular basis as more documents are microfilmed. Currently there are approximately 20,000 documents in the data base.

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PR 93-94
7-26-93
ISSN #0731-3527

SUMMARY OF ACTIVITY RELATED TO POW/MIA RECORDS

Executive Order 12812, issued July 22, 1992, required all executive departments and agencies to "expeditiously review all documents, files, and other materials pertaining to American POWs and MIAs lost in Southeast Asia for the purposes of declassification in accordance with the standards and procedures of Executive Order 12356." The materials declassified under this order were to be made publicly available except where disclosure would constitute a clearly unwarranted invasion of privacy or would impair the deliberative processes of the executive branch.

The National Defense Authorization Act for fiscal year 1992 and 1993 contained a section, known as the McCain Bill, which required that "any record, live sighting report, or other information in the custody of the Department of Defense that relates to the location, treatment, or condition of any Vietnam-era POW/MIA" be placed in "a suitable library-like location within a facility within the National Capital region for public review and photocopying." The bill also required that the Secretary of Defense obtain express consent in writing to the disclosure of information concerning individuals who are dead, incapacitated, or whose whereabouts are unknown.

The Department of Defense established the Central Documentation Office (CDO) to carry out the provisions of E.O. 12812 and the McCain Bill. The CDO proceeded to review records collected from Defense agencies under the standards set by the McCain Bill. In cases where family members refused to consent to release, the CDO has not reviewed records pertaining to those individuals.

CDO chose the Library of Congress as the "suitable library-like setting" for the declassified documents. The Library has been provided redacted copies of the documents with information concerning intelligence sources removed. CDO has also contracted with the Library to microfilm the documents so that they can be made more widely available.

CDO was also providing assistance to the Senate Select Committee on POW/MIAs (the Kerry Committee) in the form of locating documents requested by the Committee and providing partially redacted (but not declassified) versions of some documents.

The Department of Defense also established a group called "Task Force Russia" to investigate the disappearance of U.S. airmen on reconnaissance flights over the Soviet Union during the 1950's. Members of the task force used records in the National Archives, particularly a State Department Lot File concerning aircraft incidents, to locate information

concerning the missing crew members. They requested that the records be declassified so that they could be made available to family members and used in their investigations in the former Soviet Union. Their interests also included World War II and Korean War POWs who might have been detained in the Soviet Union.

National Archives action in response to Executive Order 12812 (the McCain Bill applies only to DoD) included a search of the records for anything still classified relating to Vietnam-era POW/MIAs. The Records Declassification Division initiated an immediate review of all records located as a result of this search. Records reviewed for declassification include records of the 22nd United States Army Prisoner of War/Civilian Internee Information Center, USARV Adjutant General Section Missing-in-Action Investigative Files, Army Security and Intelligence Command Decimal File on Laos. In response to requests from Task Force Russia, the Records Declassification Division reviewed for declassification State Department Lot File 64D551, Files of Sam Klaus, Aircraft Incident Files, 1944-62 and records from the Naval Intelligence Command concerning the debriefing of returned U.S. POWs from Korea.

The Records Declassification Division is continuing to review approximately 100 cubic feet of material received from the Rand Corporation consisting of intelligence documents created by military agencies in Vietnam. The majority are translations of captured documents and reports utilizing information provided by enemy POWs.

In January 1993 the Archives received the records of the Kerry Committee. At the time of transfer, the Committee requested that any remaining classified documents be declassified and made available to the public. All of the documents in this collection are less than 30 years old and many involved sensitive intelligence sources and methods. Many of the documents had already been reviewed by the CDO. We contacted the CDO for assistance in making the collection available. CDO was able to tell us which files they had reviewed, but because the documents had been released in redacted form we were unable to immediately release those files.

The Archives has obtained a copy of the microfilm produced by the Library of Congress. We will have to make a page by page comparison of documents on the microfilm with the documents in the Kerry Committee collection in order to release those files. CDO has promised to assist us in the declassification of those documents in the collection that they have not already reviewed.

On June 10, 1993 President Clinton issued Presidential Decision Directive NSC-8 calling for the declassification and release of all relevant documents pertaining to American POW/MIAs in Southeast Asia by November 11, 1993. The Records

Declassification Division has continued to review records found since the initial search. With the exception of the Rand Corporation material and the Kerry Committee records cited above, we have completed the review of all currently known records relating to POW/MIAs accessioned into the Archives. The Records Declassification Division will continue to review on a priority basis any new records discovered or accessioned on this topic.



FEB 3 1994

Mr. R. Paul Richard
Special Assistant to the President
and Deputy Staff Secretary
The White House
Washington, DC 20500

Dear Mr. Richard:

This purpose of this letter is to describe the need of the National Archives and Records Administration ("NARA") to have designated a Deciding Official in connection with a pending administrative personnel action and to request such designation.

In October 1992 The Senate Committee on Governmental Affairs (NARA's Senate oversight committee) issued a report (the "Senate Report") describing serious management problems at NARA and recommended, among other things, that the Archivist of the United States take action to address alleged misconduct of the former NARA Inspector General and other NARA officials. Pursuant to the recommendation of the Senate Report, the then Archivist of the United States referred the Senate Report to the President's Council on Integrity and Efficiency (the "PCIE"), which requested the Inspector General of the Department of Health and Human Services to investigate NARA with respect to the issues raised in the Senate Report.

In April, 1993, the Office of Inspector General of HHS issued its Study of NARA (the "PCIE Report"). The PCIE Report recommended that the Archivist review the actions of the former NARA Inspector General and other NARA officials "to determine if disciplinary action is appropriate." Pursuant to the recommendation of the PCIE Report, in May, 1993, the Acting Archivist (the Archivist during the period covered by the Reports resigned in March, 1993) appointed a Proposing Official to propose appropriate action, if any, with respect to the NARA officials named in the Senate and PCIE Reports. Under ordinary circumstances, the Archivist, as to the Inspector General, and the Deputy Archivist, as to the other NARA Officials, would be the Deciding Officials in such proceedings, since the persons involved are immediately subordinate to the Archivist or the Deputy Archivist; however, in the absence of a permanent Archivist, the Deputy Archivist and the Acting Archivist are, by statute (44 U.S.C. 2103(c)), the same person and therefore the Acting Archivist assumed she would be the Deciding Official for all three NARA officials.

With respect to two of the NARA officials involved, James Megronigle, Assistant Archivist for Management and Administration, and Lawrence Oberg, the NARA Inspector General during the period covered by the Reports, the Acting Archivist will act as the Deciding Official. However, with respect to Claudine Weiher, the Deputy Archivist during the period covered by the Reports, the Acting Archivist has been advised to recuse herself for the reason that she was present at meetings at which Ms. Weiher is alleged to have acted in an allegedly improper manner. As the Acting Archivist is the Agency head, there is no one in NARA she can designate to act as Deciding Official in her place and she has no authority to designate someone outside NARA to act as Deciding Official. Since the Archivist of the United States is appointed by the President with the advice and consent of the Senate and since, as noted, the Deputy Archivist is the Acting Archivist when the position of Archivist is vacant, it is appropriate for the Executive Office of the President to designate the Deciding Official in the place of the recused Acting Archivist.

We anticipate that the decision of the Proposing Official will be rendered within the next several weeks. Accordingly, we would appreciate it if you would arrange to have the Executive Office of the President designate a Deciding Official to act on the action, if any, proposed by the Proposing Official with respect to Claudine Weiher.

Please let me know the name and title, address and telephone number of the person designated to act as the Deciding Official in this matter. If you or the designated Deciding Official have any questions, please contact me at NARA, tel.: 501-5130.

Sincerely,



MARC H. MONHEIMER
Senior Advisor to the Archivist

cc: Dr. Trudy Huskamp Peterson, Acting Archivist of the
United States
Martha L. Girard, Director, Office of the Federal
Register (Proposing Official)

MEMORANDUM

Date: November 8, 1993

Paul

To: John Podesta, Assistant to the President and Staff Secretary

From: Marc H. Monheimer, Senior Advisor to the Archivist *MMH*

Subject: Acting Archivist's Testimony before the Hearing of the House Subcommittee on Legislation and National Security regarding implementation of the President John F. Kennedy Assassination Records Collection Act of 1992

Attached is a near final version of the proposed testimony of the Acting Archivist for the referenced hearing scheduled for 11/17/93. I believe the most sensitive political issues are the effect of the delay in appointing the Review Board and the slow pace of release of documents to the National Archives by several government agencies, most notably the CIA and the FBI. Attached is a copy of an August 20, 1993, letter from the FBI to the House Administration Committee explaining that its delay is caused by the huge volume of documents to be reviewed and budget constraints. (Note the dramatic difference in the number of documents mentioned in the letter and the number orally described to the NARA Task Force, mentioned in my 11/2 Memo. In addition to the collection mentioned in the letter, there are two additional collections which essentially duplicate the first.)

The proposed testimony attempts to avoid focusing on either of those issues, but some reference to the absence of records from the CIA and the FBI cannot be avoided.

Paul *See me* *JDP*



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

August 20, 1993

8/23/93

Honorable Charles Rose
Chairman, House Administration Committee
H-326 Capitol Building
U.S. House of Representatives
Washington, D.C. 20510

Dear Congressman Rose:

I am writing to inform you of the status of the FBI's efforts to comply with the requirements of the John F. Kennedy (JFK) Assassination Records Collection Act of 1992 (the Act). Specifically, I want to advise you of the FBI's progress to make pertinent documents available to the National Archives and Records Administration (NARA) by August 22, 1993.

In order for assassination records processed by the FBI to be accepted by NARA for public review, these records must be adjudicated by the Review Board for all withheld information, and automated identification aids must be done for all these documents. The FBI has about 157,000 documents (consisting of over 550,000 pages) that are covered by the Act. Over 212,000 of these pages have been processed. The remaining pages to be processed are essentially duplicates of the pages already processed which will require a much shorter time to complete.

In April 1992, the FBI established a task force to identify and process all JFK documents not processed under the Freedom of Information Act. After passage of the Act, this task force started processing the JFK documents pursuant to the Act's standards. In addition, after NARA finalized the format for the automated identification aids, this process was started. At several junctures, resources have been added to the task force in

Honorable Charles Rose

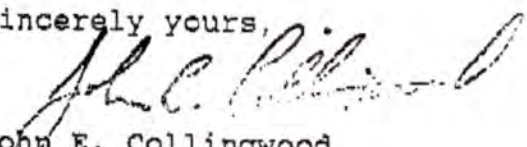
an effort to expedite completion of its work, and during some periods, its complement has exceeded 60 persons. To date, the FBI has expended about \$1,250,000 on processing the JFK material. Almost all of this cost consists of salaries paid to task force members.

The FBI's goal has been to maximize disclosure of JFK materials. To this end, the task force has continually evaluated its processing guidelines in an effort to minimize the number of postponements to be proposed to the Review Board when it is in place. The end result should be a release of documents that conforms with the letter and spirit of the Act. In addition, the FBI has consistently given expeditious attention to researching and processing materials containing FBI information referred to the Bureau task force for review before release by another agency.

The FBI will make every effort, to include adding additional resources to its task force where possible, to complete its review of its duplicate documents and the completion of the automated identification aids before the end of this year. NARA has been advised of the status of our effort to comply with the Act, and a copy of this letter is being provided to the Archivist for information purposes.

Please let me know if you desire additional information and be assured that I will inform you of any further pertinent matters relating to our efforts to comply with the Act.

Sincerely yours,


John E. Collingwood
Inspector-in-Charge
Office of Public and
Congressional Affairs

① United States Archivist
National Archives and Records Administration
7th and Pennsylvania Avenue, Northwest
Washington, D.C. 20408

D R A F T #2
NOVEMBER 8, 1993

Statement of
Dr. Trudy Huskamp Peterson
Acting Archivist of the United States
before the
Subcommittee on Legislation and National Security
of the
Committee on Government Operations
House of Representatives
November 17, 1993

Chairman Conyers and other distinguished members of the Committee, I want to thank you for the opportunity to describe to you the National Archives and Records Administration's actions implementing the President John F. Kennedy Assassination Records Collection Act of 1992. The Archives appreciates your role, Mr. Chairman in guiding and supporting the passage of this important legislation during the 102nd Congress. Your leadership has helped to ensure greater access to these important records by the American public. The National Archives is cognizant of the importance of its role as the repository of the President John F. Kennedy Assassination Records Collection and we will continue to do our part to fulfill the goals of this landmark access law.

It is altogether fitting for the National Archives of the United States to play a central role in providing public access to government information. The National Archives is the heart of the Federal information system, with vital responsibilities for collecting and preserving the records containing the permanently

valuable information of the Federal government. The National Archives is proud of its record of support for greater access to the records of the nation. We believe, as I know you do Mr. Chairman, that such access is a hallmark of our democracy; through access to government records, our citizens ensure that their government is acting in their best interests.

It was due to our central information role that the National Archives was asked to assist you and Congressman Stokes in some of the early drafting of this legislation. While we differed on some points along the way, we supported the enactment of Public Law 102-526 and have made every effort to facilitate its implementation.

As one clear expression of our commitment to the implementation of the law, the National Archives hired Mr. Steven D. Tilley, who accompanies me here today, as our full-time liaison and coordinator of Kennedy Assassination Collection implementation. Mr. Tilley is a respected archivist and access professional with extensive experience on the records of the Warren Commission and Watergate. A previous 17-year National Archives employee, Mr. Tilley was most recently Director of Information Disclosure for the National Security Council. We are pleased to have him back on our team.

Under the statute, the National Archives has seven specific responsibilities. Allow me to outline those requirements and briefly state our progress to date on each:

1. Within 45 days of the Act being signed into law, October 26, 1992, The National Archives was required to prepare and make available standard identification forms for use by all Government offices in describing assassination records prior to transfer of these records to the National Archives. Further, the National Archives was required to ensure the creation of a database through the input of these identification forms, to serve as an electronically available finding aid to the Kennedy Assassination Records Collection.

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a) **Records of the President's Commission on the Assassination of President Kennedy (The Warren Commission).** We have 363 cubic feet of Warren Commission Records in the National Archives, 98% of which was already open and available. These records include transcripts of hearings; administrative and investigative documents created by the Commission's staff; documents sent to the Commission by government agencies in this country and abroad; and letters from members of the public. Records received from the Warren Commission also include many audio visual items. The 2% of the material that remained closed had been withheld under exemptions (b)(1), (b)(3), (b)(5), and (b)(7) of the Freedom of Information Act. The classified documents in these files remained classified at the Confidential, Secret or Top Secret level.

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Representatives of other agencies conducted reviews of their agency documents at the National Archives building during the 300 day review period. A member of the Central Intelligence Agency's historical review group made periodic visits to review Central Intelligence Agency documents among the records of the House Select Committee on Assassinations and the Warren Commission. Also, the Access Staff of the National Archives reviewed copies of Warren Commission documents among the records of the Central Intelligence Agency. Finally, throughout the review period, staff members of the National Archives held numerous meetings and discussions with personnel from other agencies on all aspects of the Kennedy Assassination Records collection from issues raised by the database and data entry to questions on the definition of an assassination record.

On August 16, the first significant transfer of Assassination Records occurred with the transfer of the second part of Lee Harvey Oswald's 201 (Personality) file by the Central Intelligence Agency.

12

The first part of this file was transferred to the National Archives in September of 1992 by the Central Intelligence Agency Historical Review Group. During the remainder of that week, additional records were transferred to the National Archives by the Central Intelligence Agency, the Department of Justice, and the United States Information Agency. The National Archives also received copies of assassination records from the holdings of five Presidential Libraries. On August 23, the National Archives opened those records, along with the newly opened documents from the Warren Commission, the records of the House Select Committee on Assassinations, and other Kennedy Assassination Records in our custody, as additions to the Collection. This date marked the end of the 300 day review period established in section 5(c) of the Act.

Since August 23, the following records were added to the Collection: the records of the Executive Office of the United States Attorneys; the records of the National Security Agency; the records of the Defense Intelligence Agency; some additional records of the House Select Committee on Assassinations; additional records of the Department of State; transcripts of telephone conversation of President Lyndon Baines Johnson for the months of November 1963 through February 1964; and some additional files from the John F. Kennedy Library.

Review of other records that will eventually become part of the

13

Kennedy Assassination Records Collection is continuing. Certain series of records of the House Select Committee on Assassination are still under review, particularly the transcripts of Executive Sessions and transcripts of Testimony of Witnesses Given Immunity. These transcripts require careful review to address concerns of personal privacy of the witnesses or individuals discussed in the testimony. Many of these documents also require review by other agencies, especially to resolve issues of national security.

4. The fourth requirement under the Act was for the National Archives to prepare and publish a subject guidebook and index to the Collection so that the public may identify and make requests for Assassination Records in the Collection.

The database of the Assassination Records Collection created by the National Archives has proven to be an excellent tool in making searches of the 155,000 records that the database contains. The database is serving our reference archivists well in answering public requests for documents. Every field in the database is fully searchable. For example, if you want to know all of the documents relating to Lee Harvey Oswald in Mexico City, at the Soviet Embassy, the database will get you there.

Given the size of the database, it is not feasible to publish the required index in paper form, but the Archives is in the planning stages of electronic publishing of the database by the Spring of

1994, and making the database available on-line by 1995.

As to the subject guidebook, we are currently making an interim version of the list of our Collection available to the public and have just released an informational brochure that lists those record groups currently opened and provides customer ordering information. While the law allows a cumulative approach to the subject guide, we intend to wait for transfer of FBI, additional CIA, and other agency information prior to publishing the subject guide. This approach will give us the most cost-effective use of publishing dollars.

5. As a fifth requirement, the National Archives was to ensure the security of "postponed" records; that is those records postponed for release by a final decision of the Kennedy Assassination Records Review Board. While no formally postponed records currently exist, the National Archives has held required consultations with the Information Security Oversight Office (ISOO) and has taken all necessary steps to ensure the security of postponed records upon their transfer to the National Archives. The Collection will soon be located at the newly constructed National Archives facility at College Park, MD. That building features a state of the art security system which, when combined with properly designed and executed information security procedures, will ensure the safety of the postponed materials.

15

6. Under the Law, the National Archives is required to grant fee waivers and charge reproduction fees under the provisions of the Freedom of Information Act. In order to administer this provision of the law, the National Archives consulted with the Office of Information and Privacy of the Department of Justice, developed an internal policy memorandum, and centralized in the Access Staff the administration of fee waivers and reproduction orders for the Kennedy Assassination Records Collection. Our administration of the requirements of the law are proceeding smoothly.

7. Finally, the National Archives will be required to conduct periodic reviews of postponed records. We assure the Committee that we will conduct these periodic reviews with the same diligence and attention to detail that has characterized our implementation of other requirements of the law.

In summary, as required by the President John F. Kennedy Assassination Records Collection Act of 1992, the National Archives and Records Administration has established the President John F. Kennedy Assassination Records Collection and the accompanying data management system to ensure ready access to the documents that it contains. We have, to date, received _____ cubic feet of newly opened records for the collection and have reviewed and opened _____ cubic feet of records already held by the National Archives. Including those records that were opened prior to the enactment of President John F. Kennedy Assassination Records Collection Act of

16

1992. the Collection today consists of _____ cubic feet of records available for research. We have served _____ research requests for the records since the major opening date of August 23, 1993.

The public interest in the Kennedy Assassination Records Collection is extraordinary. The National Archives has witnessed a steady stream of researchers and research mail since the first releases under the Act. Press interest has included all major television networks, the leading U.S. dailies and news magazines, foreign journalists from France, Germany, Netherlands, Japan, Mexico, Great Britain, and Canada and both national and international wire services. Interest in the Collection has continued to rise as the National and international news organizations prepare for coverage of the 30th anniversary of the assassination of President Kennedy. Many of the photographs that you have seen and much of the information you have read over the last week about the assassination have originated from the Collection. The Collection is clearly being heavily used by the general public, the research community, and the media.

All of us who lived through that American tragedy thirty years ago this week can describe only with mixed emotions our participation in this implementation. I can assure this Committee, however, that the National Archives has always agreed with the goals of the legislation and will continue to do the thorough and professional

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job that has characterized our first year of implementation.

John Podesta F71

13 OCT 15 11:10

re: JFK Assassination Records Act

Bill House Oversight Hearing

Bill 501-
5504

18 NOV

— Bill Glavin

JOHN CONYERS, JR., MICHIGAN,
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ONE HUNDRED THIRD CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

October 13, 1993

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ROS PORTMAN, OHIO

BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(202) 225-6081
MINORITY—(202) 225-8074

The Honorable Trudy Huskamp Peterson
Acting Archivist of the United States
National Archives
7th and Pennsylvania Ave., NW
Washington, D.C. 20408

Dear Ms. Peterson:

As you know, in the 102d Congress, the Committee on Government Operations was the principal committee of the House of Representatives exercising jurisdiction over the legislation which was enacted as Public Law 102-526, the President John F. Kennedy Assassination Records Collection Act of 1992 (see 44 U.S.C. § 2107 note). That Act assigns to the Committee "continuing oversight jurisdiction with respect to the Collection."

Pursuant to this authority, the Legislation and National Security Subcommittee will convene an oversight hearing on the implementation of the Act on Wednesday, November 17, 1993, at 10:00 a.m. in Room 2154 of the Rayburn House Office Building.

I am inviting you to testify at this hearing about the establishment of the Collection, its current status, and the compliance of governmental agencies with the Act. In addition, I hope that you will discuss the materials which have been publicly released through the operation of the Act, the materials that have been withheld or otherwise not released, and the timetable for reviewing withheld materials as required by the Act.

As you may recall, one of the purposes of this legislation was to end the governmental secrecy, which has fuelled conspiracy theories and baseless speculation about the assassination. The Subcommittee would also welcome your observations concerning your experience with the public access provisions of the Act.

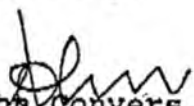
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Honorable Trudy Huskamp Peterson
October 13, 1993
page 2

The Committee's Rules require all witnesses to submit written statements 24 hours prior to the hearing. Therefore, please deliver 100 copies of your prepared statement to the Committee offices by 10:00 a.m. Tuesday, November 16, 1993.

If you have any questions concerning this hearing or your testimony, please contact James C. Turner at 225-5147 or Don Goldberg at 225-5051.

Sincerely,


John Conyers, Jr.
Chairman,
Legislation and National
Security Subcommittee

National Archives



Washington, DC 20408

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
7TH AND PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20408

TELEFACSIMILE TRANSMISSION
COVER SHEET

FROM:

NAME: Marc MonheimerOFFICE: Senior Advisor to the Archivist

TELEPHONE NUMBER:

(202) 501-5130

TELEFAX NUMBER:

(202) 501-5244

TO:

NAME: Paul Richards'LOCATION: Deputy Staff Secretary

TELEPHONE NUMBER:

(202) 456-2702

TELEFAX NUMBER:

(202) 456-2215

SPECIAL INSTRUCTION OF MESSAGE: Per our telephone
conversation

DATE: 11/9/93

TIME: _____

1 OF 21 PAGES

D R A F T #2
NOVEMBER 8, 1993

Statement of
Dr. Trudy Huskamp Peterson
Acting Archivist of the United States
before the
Subcommittee on Legislation and National Security
of the
Committee on Government Operations
House of Representatives
November 17, 1993

Chairman Conyers and other distinguished members of the Committee, I want to thank you for the opportunity to describe to you the National Archives and Records Administration's actions implementing the President John F. Kennedy Assassination Records Collection Act of 1992. The Archives appreciates your role, Mr. Chairman in guiding and supporting the passage of this important legislation during the 102nd Congress. Your leadership has helped to ensure greater access to these important records by the American public. The National Archives is cognizant of the importance of its role as the repository of the President John F. Kennedy Assassination Records Collection and we will continue to do our part to fulfill the goals of this landmark access law.

It is altogether fitting for the National Archives of the United States to play a central role in providing public access to government information. The National Archives is the heart of the Federal information system, with vital responsibilities for collecting and preserving the records containing the permanently

valuable information of the Federal government. The National Archives is proud of its record of support for greater access to the records of the nation. We believe, as I know you do Mr. Chairman, that such access is a hallmark of our democracy; through access to government records, our citizens ensure that their government is acting in their best interests.

It was due to our central information role that the National Archives was asked to assist you and Congressman Stokes in some of the early drafting of this legislation. While we differed on some points along the way, we supported the enactment of Public Law 102-526 and have made every effort to facilitate its implementation.

As one clear expression of our commitment to the implementation of the law, the National Archives hired Mr. Steven D. Tilley, who accompanies me here today, as our full-time liaison and coordinator of Kennedy Assassination Collection implementation. Mr. Tilley is a respected archivist and access professional with extensive experience on the records of the Warren Commission and Watergate. A previous 17-year National Archives employee, Mr. Tilley was most recently Director of Information Disclosure for the National Security Council. We are pleased to have him back on our team.

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11

had been accessioned some time ago by the National Archives were located and reviewed by personnel from the Department of State. While many documents in these files are duplicated in the Warren Commission records, these files also contain some documents not among the Commission records. The Department of State decided to release most of the documents from these files with some documents withheld for other agency review.

Representatives of other agencies conducted reviews of their agency documents at the National Archives building during the 300 day review period. A member of the Central Intelligence Agency's historical review group made periodic visits to review Central Intelligence Agency documents among the records of the House Select Committee on Assassinations and the Warren Commission. Also, the Access Staff of the National Archives reviewed copies of Warren Commission documents among the records of the Central Intelligence Agency. Finally, throughout the review period, staff members of the National Archives held numerous meetings and discussions with personnel from other agencies on all aspects of the Kennedy Assassination Records collection from issues raised by the database and data entry to questions on the definition of an assassination record.

On August 16, the first significant transfer of Assassination Records occurred with the transfer of the second part of Lee Harvey Oswald's 201 (Personality) file by the Central Intelligence Agency.

12

The first part of this file was transferred to the National Archives in September of 1992 by the Central Intelligence Agency Historical Review Group. During the remainder of that week, additional records were transferred to the National Archives by the Central Intelligence Agency, the Department of Justice, and the United States Information Agency. The National Archives also received copies of assassination records from the holdings of five Presidential Libraries. On August 23, the National Archives opened those records, along with the newly opened documents from the Warren Commission, the records of the House Select Committee on Assassinations, and other Kennedy Assassination Records in our custody, as additions to the Collection. This date marked the end of the 300 day review period established in section 5(c) of the Act.

Since August 23, the following records were added to the Collection: the records of the Executive Office of the United States Attorneys; the records of the National Security Agency; the records of the Defense Intelligence Agency; some additional records of the House Select Committee on Assassinations; additional records of the Department of State; transcripts of telephone conversation of President Lyndon Baines Johnson for the months of November 1963 through February 1964; and some additional files from the John F. Kennedy Library.

Review of other records that will eventually become part of the

13

Kennedy Assassination Records Collection is continuing. Certain series of records of the House Select Committee on Assassination are still under review, particularly the transcripts of Executive Sessions and transcripts of Testimony of Witnesses Given Immunity. These transcripts require careful review to address concerns of personal privacy of the witnesses or individuals discussed in the testimony. Many of these documents also require review by other agencies, especially to resolve issues of national security.

4. The fourth requirement under the Act was for the National Archives to prepare and publish a subject guidebook and index to the Collection so that the public may identify and make requests for Assassination Records in the Collection.

The database of the Assassination Records Collection created by the National Archives has proven to be an excellent tool in making searches of the 155,000 records that the database contains. The database is serving our reference archivists well in answering public requests for documents. Every field in the database is fully searchable. For example, if you want to know all of the documents relating to Lee Harvey Oswald in Mexico City, at the Soviet Embassy, the database will get you there.

Given the size of the database, it is not feasible to publish the required index in paper form, but the Archives is in the planning stages of electronic publishing of the database by the Spring of

14

1994 and making the database available on-line by 1995.

As to the subject guidebook, we are currently making an interim version of the list of our Collection available to the public and have just released an informational brochure that lists those record groups currently opened and provides customer ordering information. While the law allows a cumulative approach to the subject guide, we intend to wait for transfer of FBI, additional CIA, and other agency information prior to publishing the subject guide. This approach will give us the most cost-effective use of publishing dollars.

5. As a fifth requirement, the National Archives was to ensure the security of "postponed" records; that is those records postponed for release by a final decision of the Kennedy Assassination Records Review Board. While no formally postponed records currently exist, the National Archives has held required consultations with the Information Security Oversight Office (ISOO) and has taken all necessary steps to ensure the security of postponed records upon their transfer to the National Archives. The Collection will soon be located at the newly constructed National Archives facility at College Park, MD. That building features a state of the art security system which, when combined with properly designed and executed information security procedures, will ensure the safety of the postponed materials.

15

6. Under the Law, the National Archives is required to grant fee waivers and charge reproduction fees under the provisions of the Freedom of Information Act. In order to administer this provision of the law, the National Archives consulted with the Office of Information and Privacy of the Department of Justice, developed an internal policy memorandum, and centralized in the Access Staff the administration of fee waivers and reproduction orders for the Kennedy Assassination Records Collection. Our administration of the requirements of the law are proceeding smoothly.

7. Finally, the National Archives will be required to conduct periodic reviews of postponed records. We assure the Committee that we will conduct these periodic reviews with the same diligence and attention to detail that has characterized our implementation of other requirements of the law.

In summary, as required by the President John F. Kennedy Assassination Records Collection Act of 1992, the National Archives and Records Administration has established the President John F. Kennedy Assassination Records Collection and the accompanying data management system to ensure ready access to the documents that it contains. We have, to date, received _____ cubic feet of newly opened records for the collection and have reviewed and opened _____ cubic feet of records already held by the National Archives. Including those records that were opened prior to the enactment of President John F. Kennedy Assassination Records Collection Act of

16

1992, the Collection today consists of _____ cubic feet of records available for research. We have served _____ research requests for the records since the major opening date of August 23, 1993.

The public interest in the Kennedy Assassination Records Collection is extraordinary. The National Archives has witnessed a steady stream of researchers and research mail since the first releases under the Act. Press interest has included all major television networks, the leading U.S. dailies and news magazines, foreign journalists from France, Germany, Netherlands, Japan, Mexico, Great Britain, and Canada and both national and international wire services. Interest in the Collection has continued to rise as the National and international news organizations prepare for coverage of the 30th anniversary of the assassination of President Kennedy. Many of the photographs that you have seen and much of the information you have read over the last week about the assassination have originated from the Collection. The Collection is clearly being heavily used by the general public, the research community, and the media.

All of us who lived through that American tragedy thirty years ago this week can describe only with mixed emotions our participation in this implementation. I can assure this Committee, however, that the National Archives has always agreed with the goals of the legislation and will continue to do the thorough and professional

17

job that has characterized our first year of implementation.

U.S. Department of Justice

Federal Bureau of Investigation



Washington, D.C. 20535

August 20, 1993

8/23/93

Honorable Charles Rose
Chairman, House Administration Committee
H-326 Capitol Building
U.S. House of Representatives
Washington, D.C. 20510

Dear Congressman Rose:

I am writing to inform you of the status of the FBI's efforts to comply with the requirements of the John F. Kennedy (JFK) Assassination Records Collection Act of 1992 (the Act). Specifically, I want to advise you of the FBI's progress to make pertinent documents available to the National Archives and Records Administration (NARA) by August 22, 1993.

In order for assassination records processed by the FBI to be accepted by NARA for public review, these records must be adjudicated by the Review Board for all withheld information, and automated identification aids must be done for all these documents. The FBI has about 157,000 documents (consisting of over 550,000 pages) that are covered by the Act. Over 212,000 of these pages have been processed. The remaining pages to be processed are essentially duplicates of the pages already processed which will require a much shorter time to complete.

In April 1992, the FBI established a task force to identify and process all JFK documents not processed under the Freedom of Information Act. After passage of the Act, this task force started processing the JFK documents pursuant to the Act's standards. In addition, after NARA finalized the format for the automated identification aids, this process was started. At several junctures, resources have been added to the task force in

Honorable Charles Rose

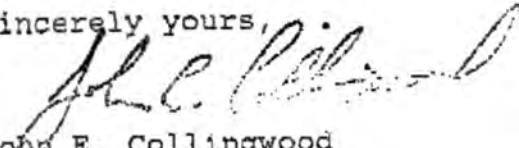
an effort to expedite completion of its work, and during some periods, its complement has exceeded 60 persons. To date, the FBI has expended about \$1,250,000 on processing the JFK material. Almost all of this cost consists of salaries paid to task force members.

The FBI's goal has been to maximize disclosure of JFK materials. To this end, the task force has continually evaluated its processing guidelines in an effort to minimize the number of postponements to be proposed to the Review Board when it is in place. The end result should be a release of documents that conforms with the letter and spirit of the Act. In addition, the FBI has consistently given expeditious attention to researching and processing materials containing FBI information referred to the Bureau task force for review before release by another agency.

The FBI will make every effort, to include adding additional resources to its task force where possible, to complete its review of its duplicate documents and the completion of the automated identification aids before the end of this year. NARA has been advised of the status of our effort to comply with the Act, and a copy of this letter is being provided to the Archivist for information purposes.

Please let me know if you desire additional information and be assured that I will inform you of any further pertinent matters relating to our efforts to comply with the Act.

Sincerely yours,


John E. Collingwood
Inspector-in-Charge
Office of Public and
Congressional Affairs

① United States Archivist
National Archives and Records Administration
7th and Pennsylvania Avenue, Northwest
Washington, D.C. 20408

ROUTING AND TRANSMITTAL SLIP

Date

11/02/93

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. John Podesta		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
MARC H. MONHEIMER	NARA room 111
Senior Advisor to the Archivist and White House Liaison	Phone No.
	501-5130

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National Archives



Archivist of the United States

Washington, DC 20408

DATE: November 2, 1993

MEMORANDUM TO: John Podesta, Assistant to the President and Staff Secretary

FROM: MARC H. MONHEIMER, Senior Advisor to the Archivist of the United States and White House Liaison

SUBJECT: Scheduled 11/17/93 Oversight Hearing of Subcommittee on Legislation and National Security of House Committee on Government Operations regarding the President John F. Kennedy Assassination Records Collection Act of 1992 (the "Act")

PURPOSE: The purpose of this Memorandum is to apprise you of developments and issues of possible concern in connection with the referenced hearing.

NARA's legislative liaison has been advised that the Subcommittee will receive testimony from the following persons in the order set forth:

1. Trudy Huskamp Peterson, Acting Archivist of the United States
2. Gerald Posner, author of Case Closed, which supports the findings of the Warren Commission
3. Jim Johnston, former staff member of the Senate Select Committee on Intelligence and writer on the Cuba-Oswald connection. Mr. Johnston has been requesting newly released assassination materials.
4. Professor G. Robert Blakey of Purdue, former Louis Stokes' counsel on the House Select Committee on Assassinations. Prof. Blakey is a supporter of the findings of his Committee, author of the first draft of the Act and a critic of the Administrations' delay in appointing Review Board members.
5. James Lesar, Director of the National Assassinations Archives and a vocal supporter of the Act. He has been quoted as "outraged" at the Postponement decisions of the CIA and the FBI.

It is likely that several themes will be developed in the course of Chairman John Conyer's (D, Mich) opening statement:

How well is the law functioning. Chairman Conyers can be expected to be critical of the Administration's implementation efforts, primarily the delay in appointing members of the Review Board, which must pass on Agency decisions to postpone public disclosure of assassination materials, and agency Postponement decisions. As of October 27th, four members of the Board had been nominated. The Act requires the Senate to hold confirmation hearings within 30 days in which the Senate is in session after the nomination of 3 Review Board members. Therefore, the Administration cannot claim delay caused by the Senate's failure to confirm, but it can urge prompt action now that more than three Review Board members have been nominated. Nomination of the fifth Review Board member before the Hearing would be advantageous and would provide the opportunity for a public relations effort to explain the delay, perhaps in the framework of the need for careful consideration of the appointees and the press of other matters as well as other nominations.

Has the law been successful in "debunking outlandish theories" regarding the assassination? The public witnesses invited are "mainstream" researchers who have presumably, been selected to answer this question affirmatively.

Has NARA fully complied with the law and fulfilled its responsibilities in a timely and effective manner? The testimony of the Acting Archivist will answer the question affirmatively. In addition, there will be a letter of thanks/endorsement from Chairman Charles Rose of the House Administration Committee thanking NARA for the work performed on 550,000 pages of House Select Committee on Assassinations material, 98% of which has been cleared and is available to the public. A minor possible issue is the delay in obtaining permission from some donors to the Johnson and Kennedy libraries, but there has been no delay in requests or follow-up and it is not likely this issue will be of consequence. Attached is a detailed outline from which the testimony to be given by the Acting Archivist is being prepared. A draft of her testimony should be ready by 11/7.

Potential Committee/public criticism of the administration can also be expected in connection with the perceived failure of some Agencies to act promptly and to seek Postponement of release of materials, an issue exacerbated by the delay in appoint Review Board members. Under the Act, NARA is not involved with Agency materials until the Agency has reviewed its materials and released them to NARA for public release. Anecdotally, NARA is aware that the CIA has reviewed approximately 125,000 pages and will seek to Postpone approximately 10,000 pages. In addition, the CIA has 73 rolls of microfilm containing 150,000 more pages which have not been reviewed. The FBI has approximately 3.2 million pages, grouped in 4 core collections, much of which is duplication. As of July, it is believed the FBI has reviewed about 1/4 of the approximately 800,000 pages in a core collection, much of which is material which has been released.

NARA is informed that no CIA or FBI witnesses will be called; rather, those Agencies will submit written testimony for the record.

It is entirely possible that the witness list will change before the hearing occurs.

The Act expires October 26, 1994, but may be extended for 1 year by its terms. The Administration may wish to consider publicly recommending the extension of the Act to allow a reasonable time for Review Board considerations of Agency Postponement decisions.

OUTLINE FOR JFK HEARINGS

I. NARA'S ROLE IN THE DEVELOPMENT OF THE JFK STATUTE.

A. NARA staff met with House and Senate staff over period of time on the language of the bill.

B. Former Archivist testified before committees about the records of the Warren Commission and other JFK records in NARA's custody.

II. NARA'S ACTIVITIES BEFORE PASSAGE OF THE LAW

A. NARA receives a surge of requests for information concerning the assassination, both from the public and the press, following the release of the movie "JFK."

B. In late January 1992, Howard Willens, writing on behalf of former Warren Commission staff members, urged the Archivist to release all records of the Warren Commission that were still withheld.

C. In April 1992, Chairman Conyers wrote to the Archivist requesting information concerning assassination records in the custody of NARA. The Archivist's response provided detailed information on NARA's holdings of records of the Warren Commission, the Secret Service, the Department of Justice, the Department of State, the Rockefeller Commission, the House Select Committee on Assassinations, and the Senate Select Committee on Intelligence (Church Committee). The response also discussed personal papers and donated historical materials in NARA's custody.

D. NARA units holding JFK records accelerate planning for dealing with proposed JFK law.

1. HSCA records are arranged and described with the approval of the House Administration Committee.

2. Warren Commission Records

- a. Review of withheld records scheduled to begin in 1995 is begun.

- b. Existing inventory and other finding aids are reviewed for accuracy and updated to reflect recent disclosure of any documents under FOIA.

3. SSIC is contacted concerning the records of the

Church Committee.

4. Searches conducted for any additional JFK related documents in NARA's custody.

III. ESTABLISHMENT OF THE JFK COLLECTION

A. Bill signed into law on October 26, 1992.

B. NARA had several responsibilities under the law.

1. Within 45 days, prepare and make available standard identification forms for use in all government offices. Ensure the creation of a uniform system of electronic records compatible with the form.

2. Within 60 days, establish the President John F. Kennedy Assassination Records Collection.

3. Within 300 days, along with other agencies with JFK records, identify, review, and release to the public all assassination records that can be disclosed under the Act. All records released under the law would have a record identification form (RIF) attached. JFK records that were available in full before the law was signed would not require a RIF.

4. Prepare and publish a subject guidebook and index to the Collection.

5. Ensure the security of postponed records. Postponed records of other agencies or offices will be transferred after the Review Board has completed its work with each agency or office.

6. Charge reproduction fees and grant fee waivers when appropriate under the standards of the FOIA.

7. Conduct periodic reviews of postponed records. All records to be disclosed by 2017 unless the President specifically certifies that the document should remain postponed past the 25 year date.

C. NARA Begins Implementation

1. NARA established a working group on the JFK assassination materials composed of Office Heads to oversee and coordinate implementation of the act.

2. Soon after the law was signed, NARA staff began consultations with other agencies concerning the creation of the database and the data collection system.

3. On November 23, 1992, NARA published a notice in the Federal Register requesting all agencies with JFK records to provide information of their holdings.
4. On December 4, 1992, NARA hosted a meeting with representatives of agencies with JFK records to explain the data collection system. In early January, another meeting was held to brief representatives of various components of the Department of Justice.
5. Subsequent to these meetings, contact is established with other agencies as these agencies discover that they have assassination records.
6. In response to the notice in the Federal Register, other agencies begin to notify NARA that they do not have assassination records among their holdings.
7. On December 10, 1992, in accordance with Section 5(d) of the act, NARA established the JFK database and data collection system. At that time, NARA distributed program, training, and data collection diskettes, along with system guidance, to agencies with JFK records. A notice is published in the Federal Register on December 15, 1992, to notify other agencies that may have JFK records.
8. On December 28, 1992, in accordance with Section 4(a) of the act, NARA established the President John F. Kennedy Assassination Records Collection. This announcement is published in the Federal Register on December 21, 1992.
9. Throughout 1993, NARA continues to work closely with representatives of agencies and government offices on implementation of the JFK Act, particularly in regards to the data collection system and records issues.
10. In May 1993, NARA hires a JFK Liaison whose duties include serving as NARA's contact with the Review Board, maintaining the on-going relationship with other agencies and offices, and overseeing all reference work on the Collection.
11. Initial transfer of a significant volume of records occurred on August 16, 1993, as the CIA transferred the remainder of its 201 file on Lee Harvey Oswald. The first part of this file was transferred to NARA in the summer of 1992 before passage of the act by the CIA's Historical Review Group.
12. During the remainder of that week, additional assassination records were transferred to NARA. These

records came from certain components of the Department of Justice, the United States Information Agency, along with copies of assassination records from the holdings of five Presidential Libraries.

13. NARA opens these records, along with the records of the HSCA, newly released Warren Commission documents and other JFK records in NARA's custody, as additions to the Collection on August 23, 1993. This date marks the end of the 300 day review period established in Section 5(c) of the act.

IV. EVENTS SINCE THE OPENING

A. Interest in the collection has been extraordinary

1. August 23 marked by intense media interest along with a significant number of members of the public.

2. NARA staff gave interviews to print and electronic media throughout the day including the major television networks, Fox TV, Univision, and television crews from Germany, the Netherlands, and Canada. Good Morning America broadcast live from the Archives Building on Tuesday morning, August 24.

3. Subsequently, NARA staff were interviewed by reporters from Newsweek, Time, and other news publications.

4. Press interest has remained high to the present, much if it generated by the 30th anniversary of the assassination this week.

B. Additions to the Collection

1. Records of the Executive Office of the United States Attorneys

2. Records of the National Security Agency

3. Records of the Department of State

4. Records of the Defense Intelligence Agency

5. Additional series from the HSCA records.

6. Transcripts of telephone conversations of President Lyndon Johnson for November 1963 through February 1964.

C. Review continues on some records

1. HSCA Records

- a. Records with privacy problems such as transcripts of executive sessions of the committee and transcripts of testimony by witnesses provided with immunity.
 - b. Records with national security information.
- 2. Additional LBJ transcripts
- 3. Third agency reviews
 - a. Warren Commission records
 - b. Rockefeller Commission records at the Ford Library
- 4. Future Additions
 - a. More records will continue to come in as agencies finish review.
 - b. Agencies that even now think they have no JFK records may learn that they do have some. Recently, the Office of Legal Counsel at Justice was provided with data diskettes to begin review of records.

V. PRESIDENTIAL REVIEW BOARD

- A. Three nominees have already contacted NARA in response to a letter from the Acting Archivist to discuss the Collection and the task ahead.
- B. Many issues require the attention of the Board.
 - 1. Definition of an assassination record. These definitions will vary from agency to agency.
 - 2. Criteria for reviewing postponed documents
 - 3. Many more