



Jim Lesar, President
1003 K Street N.W., Suite 640
Washington, D.C. 20001
Tel (202) 393-1921
(301) 328-5920
jhlesar@gmail.com

January 20, 2012

United States Archivist David S. Ferreiro
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20081-0001

BY CERTIFIED MAIL NUMBER
7011 1570 0000 4139 8117

Dear Mr. Ferreiro:

In 1992, Congress passed the "President John F. Kennedy Assassination Records Collection Act of 1992" ("JFK Act") which requires "the expeditious public transmission to the Archivist and public disclosure of" all records designated as assassination-related. The clear design of the legislation was to declassify and release to the public as many of the records as possible, holding back only a few of the most highly-classified documents until 2017. At that time the only way in which a record could continue to be withheld would be if the President of the United States personally approved the continued withholding of specific records under mandated strict standards. The legislative motivation behind the JFK Act was to enable the American public to review as many as possible of the entire original body of more than 5 million government pages pertaining to the assassination, to allow full scholarly and historical analysis of it, and to assess its impact by and on the historical events surrounding it.

Yet despite the passage of nearly 20 years since the Act was passed, it was only recently that scholars learned that there are not just a few CIA records missing from the public record, but approximately 50,000 pages which remain classified. (The volume of partially withheld pages is unknown but is also quite substantial.) This contravenes both the letter and spirit of the JFK Act and is unacceptable as a matter of law.

Enforcement of the JFK Act's disclosure mandate originally reposed in a five-member panel of citizens, the Assassination Records Review Board ("ARRB"). Upon the demise of the ARRB, the Act delegated NARA to carry out its provisions "until such time as the Archivist certifies to the President and to Congress that all assassination records have been made available to the public . . ."¹ The Act further provides that "all postponed or redacted records shall be reviewed periodically by the originating agency and the Archivist consistent with the recommendations of the Review Board . . ."²

¹ 44 U.S.C.A. 2107, § 12(b).

² *Id.*, § 5(g)(1).

Since the expiration of the ARRB, the CIA and NARA have upheld the purpose of the JFK Act and facilitated the public disclosure of many thousands of records. According to a press release on NARA's JFK Act website, the CIA speeded up its processing of withheld documents through 2010. As a result, for example, in 2004, two volumes of the CIA's Jack Pfeiffer report on the Bay of Pigs were reviewed and released under JFK Act standards. But, with all due respect, NARA now appears to be disregarding its mandate and is not fulfilling its responsibilities to enforce the provisions and intent of the JFK Act.

In 2010, NARA held a public forum to discuss the plan of a National Declassification Center ("NDC") to declassify historical records. Pursuant to an Executive Order issued by President Barack Obama, the NDC was instructed to release 400 million pages of backlogged historical records by 2013. It was at this NARA forum that Deputy Archivist Michael Kurtz revealed that the CIA continues to withhold approximately 50,000 pages of JFK assassination-related records. He also stated that as part of the NDC's plan to release historical records, these records would be reviewed for release prior to 2013.

However, at a subsequent public forum the NDC reneged on this commitment. Without providing reasoning or justification under the JFK Act, it now takes the position that the JFK records will not be part of the declassification of historic documents project but will need to wait for further evaluation by the Central Intelligence Agency in 2017.

First, while the goal of declassifying the general backlog is highly laudable, NARA has seemingly lost sight of the fact that The JFK Act Collection continues to be of paramount interest to scholars, historians, and the American public. Indeed, we understand that NARA receives as many or more inquiries on this Collection than any other discrete subject of historical research at NARA. The American public has maintained that elevated level of interest for almost 50 years.

Second, the nature of the public interest in the rapid declassification of the JFK assassination records -- which warrants giving priority to the disclosure of these records above others -- is reflected in many ways. Foremost is *the unanimous vote by Congress* to mandate that disclosure be given urgent attention. Congress also decreed that these documents be released under perhaps the most liberal and wide-ranging disclosure standards ever enacted.

Third, dozens of new books and articles on the subject of the assassination and the concomitant history of the United States continue to appear regularly nearly five decades after President Kennedy's murder.

With the 50th anniversary of the assassination less than two years away, there is little doubt that public interest will only increase as November 22, 2013 approaches. A new spate of books and films and news articles is already beginning to reflect the depth of this phenomenon once again. The 50th anniversary will be the occasion of a renewed national debate on the assassination and the investigations into it, and the significance of the new

information which has emerged as a result of the JFK Act releases will be studied and analyzed. This debate will occur in the context of the hard political truth that poll after poll reflects that there has been a precipitous decline in public confidence and American citizens have come to profoundly distrust their institutions and leaders. This national debate needs to be as fully informed as possible lest public distrust be further increased and --- equally antithetical to democratic principles --- lest purveyors of theories not based on documentary evidence continue to spread doubt and confusion about the case. (Conversely new records can point to areas of research where further scrutiny is warranted.)

Knowledge of our history is an essential feature of democratic accountability. The Founding Fathers were profoundly absorbed with the study of historical events and the political lessons to be learned from them. Exemplifying this tenet, NARA's motto states: "*The Past Is Prologue*". But since the advent of the Cold War, knowledge and accountability have been greatly shrouded by pervasive secrecy surrounding the most critical aspects of our governance. This point is forcefully illustrated by what has recently been learned as a result of JFK Act disclosures.

For example, we now know that the CIA was confronted with inquiries from the House Select Committee on Assassinations ("HSCA") about the pre-assassination contacts of alleged assassin Lee Harvey Oswald with the Directorio Revolucionario Estudiantil ("DRE" or "Cuban Student Directorate"). Declassified documents show that the DRE was a CIA-"conceived, created and funded" Cuban exile organization in the 1960s. In the late 1970's the CIA brought a retired CIA officer, George Joannides, out of retirement to act as liaison with HSCA when it sought records from the CIA regarding the Oswald/DRE activities and requested the identity of DRE's case officer. Neither the CIA nor Joannides ever informed HSCA that Joannides himself had been the DRE's case officer at the very time Oswald was in contact with the DRE; and neither the CIA nor Joannides provided the information sought by the Congressional committee.

Professor G. Robert Blakey, who served as Chief Counsel and Staff Director of the HSCA, has stated in a sworn affidavit that the CIA's conduct in inserting Joannides "undercover" into the HSCA's investigation "constituted not only a breach of the written memorandum of understanding the HSCA in good faith entered into with the Agency, . . . , but a manifest, and hardly minor matter, a criminal violation of 18 U.S.C. § 1505", which proscribes conduct that "impedes . . . the due and proper exercise of the power of inquiry . . . of any committee of either House' . . ."

Similarly, in a sworn affidavit addressing the CIA's withholding of records pertaining to Joannides from the ARRB, Prof. Anna Nelson, a Professor of History who was a member of the ARRB stated:

By its actions, the CIA has thus destroyed the integrity of the probe made by Congress, influenced the ARRB which was required by the legislation to use the

records of that investigation and cast additional doubt upon itself. It is important that all additional information which bears upon the CIA's conduct regarding both the congressional investigation and itself be made public as soon as possible so that Mr. Morley and others may continue to research these matters. Moreover, Congress itself may wish to investigate the CIA's alleged corruption of its inquiry into the Kennedy assassination.

In order for the American public to be fully informed about the type of questions raised by HSCA Chief Counsel Blakey and ARRB member Nelson, the records currently withheld by the CIA should be reviewed and released under JFK Act standards before the 50th anniversary of President Kennedy's assassination. The Archivist of the United States is authorized and required by the JFK Act to undertake such action. The undersigned respectfully and urgently request that you do so.

In view of the need from prompt action on this matter, I would appreciate a response from you at your earliest possible convenience.

Sincerely yours,



Jim Lesar, President AARC

/s/
BRENDA BRODY
AARC Board of Directors

/s/
DANIEL ALCORN, Esq.
AARC Board of Directors

/s/
MARK ZAID, Esq.

/s/
CHARLIE SANDERS, Esq.

/s/
Prof. G. Robert Blakey, Esq.
Former Chief Counsel and Staff Director
For the House Select Committee on Assassinations

cc:

John Fitzpatrick
Director, Information Security
Oversight Office

Gen. David Howell Petraeus
Director, Central Intelligence Agency

Rep. Michael Rogers
Majority Leader
House Permanent Select
Committee on Intelligence

Rep. C. A. Dutch Ruppersberger
Minority Leader
House Permanent Select
Committee on Intelligence

Sen. Dianne Feinstein
Senate Select Committee on
Intelligence

Sen. Saxby Chambliss
Senate Select Committee on
Intelligence

Sen. Patrick Leahy
Majority Leader
Senate Judiciary Committee

Sen. Chuck Grassley
Minority Leader
Senate Judiciary Committee

Rep. Lamar Smith
Majority Leader
House Judiciary Committee

Rep. John Conyers
Minority Leader
House Judiciary Committee

Rep. Darrell Issa
Majority Leader
House Oversight and Government
Reform Committee

Rep. Elijah Cummings
Minority Leader
House Oversight and Government
Reform Committee

Rep. Trey Gowdy
Majority Leader
Subcommittee on Healthcare,
District of Columbia, and
The National Archives

Rep. Danny K. Davis
Minority Leader
Subcommittee on Healthcare,
District of Columbia, and
the National Archives