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Mr. Henry A. Waxman  
Chairman  
House Committee on Oversight and Government Reform  
2204 Rayburn House Office Building  
Washington, D.C. 20515

June 6, 2008

Dear Mr. Chairman:

I write in my capacity as president of the Assassination Archives and Research Center, a non-profit organization that aims to inform the public about political assassinations. I write, too, as one who in the early 1990s testified before congressional committees in support of the 1992 President John F. Kennedy Assassination Records Collection Act (the "JFK Records Act"). This was the most sweeping disclosure legislation ever passed into law, yet Congress has never reviewed either its accomplishments – or, very important, its failures. Your committee, which has oversight responsibility under the Act, has held no hearings on the subject for over a decade.

Congressional oversight is necessary, as just two examples make glaringly evident.

1. Congress promised that, under the Act, virtually all Kennedy assassination records would promptly be made public. It emerged just recently, though, that the CIA is withholding 1,100 JFK assassination-related documents until at least 2017. A second cause for disquiet is the Agency's response to a recent order by the U.S. Court of Appeals for the District of Columbia. Told to search for operational files on the late George Joannides, who in 1963 was case officer for the DRE, a CIA-funded Cuban exile group that had pre-assassination contacts with alleged assassin Lee Harvey Oswald, the Agency claimed that it could find no such records. This raises troubling questions as to whether case officer Joannides' operations were completely off-the-books, with no records created or preserved, or whether such records have been destroyed in violation of the JFK Records Act – or other federal laws. Alternatively, the CIA may be interpreting the request in line with some in-house formula that enables it to avoid searching for records even though they are plainly within the scope of the request – thus circumventing the Freedom of Information Act.

2. There is, too, the recent disclosure by the current Dallas District Attorney that his office has uncovered 12 boxes of records related to the Kennedy case--records that should long since have been released pursuant to the JFK Act. With the JFK Act's enforcement arm, the Assassination Records Review Board ("Review Board"), no longer

in existence, what can be done to ensure that such records are placed where they belong – in the JFK Records Collection at the National Archives?

More important than these individual examples, historians and researchers are now unable to get to pertinent information on President Kennedy's assassination. This is due in large part to the fact that the Review Board wound up its work in 1998. There is no effective way for researchers to obtain prompt disclosure of records not already deposited in the JFK Records Act Collection. Moreover, researchers experience problems even when seeking access to what is already there.

I ask that you do now hold hearings to assess the working of the JFK Records Act. Also that your committee address the need to modify and update it, or enact new legislation, to resolve the sort of problems I have described.

The hearings should address the following issues, at a minimum:

1. The fact that the JFK Records Act's mandate, which requires full and prompt disclosure of all JFK assassination-related records, is no longer being fulfilled.

2. The perceived need for fresh legislation to deal with developments that were not foreseen when the JFK Records Act was passed.

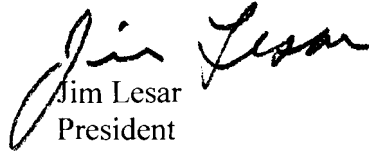
3. The way the Justice Department has handled leads Congress asked it to investigate. These include the acoustics evidence, a key basis for the House Select Committee on Assassinations' finding that there probably was a conspiracy to assassinate President Kennedy, and whether and how new tests should be undertaken to resolve important evidentiary questions; and

4. The way the Central Intelligence Agency undermined the House Assassinations Committee's probe of President Kennedy's murder – highly disquieting information that has come to light thanks to work stimulated by the JFK Records Act.

I attach a memorandum addressing these and other matters at greater length.

I am available to discuss this subject with you or members of your staff at any mutually convenient time. I may be contacted at the phone number given above, at my home telephone, (301) 657-4298, or by email at [jlesar@mindspring.com](mailto:jlesar@mindspring.com).

Sincerely yours,



Jim Lesar  
President

Assassination Archives and Research Center

cc: Rep. William Lacy Clay

## MEMORANDUM REGARDING JFK ACT OVERSIGHT HEARINGS

From: Jim Lesar  
President, Assassination Archives and Research Center

To: Chairman Henry A. Waxman  
House Committee on Oversight and Government Reform

Date: JUNE 6, 2008

In a cover letter, I have given an overview of why my organization, the Assassination Archives and Research Center (“AARC”), requests that you hold oversight hearings on the President John F. Kennedy Assassination Records Collection Act of 1992 (“JFK Records Act”), 44 U.S.C. § 2107. The fact that it is almost 45 years since President Kennedy’s assassination increases rather than diminishes the need for urgent action. The Justice Department has in recent years reopened a number of seemingly ancient cases – horrific racial slayings of the 1950s and 1960s – and in some cases has obtained convictions. It has been conspicuously inactive, however, on the murder of President Kennedy, a crime of enormous importance to the nation. This even though much about the case remains in doubt, and though significant evidence has emerged pointing to the possibility that there was a conspiracy.

The government’s failure to address the doubts and confront such evidence has had a lasting, profoundly negative impact on our democracy. It is no coincidence that the steep and continuing decline in trust and respect for American leaders and institutions began after the assassination and the Warren Commission’s finding that Lee Harvey Oswald acted alone in killing the President. Questions remain as to whether – to cite more common suspicions, not least those expressed by the House Select Committee on Assassinations – there was a conspiracy involving organized crime, or a foreign power, or even “the military industrial complex” of which President Dwight Eisenhower warned in his farewell address. Only by being *seen* to have made every last effort to resolve such suspicions, and by achieving total transparency in terms of public disclosure, can we begin to restore confidence in our democratic system and our national institutions.

Congress implicitly acknowledged this when it passed the JFK Records Act. It recognized that the American people have the right to know their own history, and that to know it they must have access to the facts – to the fullest possible record. As a direct result of the Act, a huge volume of previously secret documents were rapidly released. Those disclosures, coupled to ongoing research, produced stunning revelations. One such, of which we would otherwise have remained ignorant, is the existence of Operation Northwoods, the 1962 plan by the Joint Chiefs of Staff that called for mounting violent “terrorist” attacks in Washington D.C., phony hijackings of commercial airplanes, and

the framing of innocent people as “bombers” – all of which would be blamed on Castro and used to justify an invasion of Cuba.

Most relevantly, we now know that the 1976-1978 probe by the House Select Committee on Assassinations (“HSCA”) was corrupted by the CIA. This occurred when the HSCA sought to learn what contacts alleged assassin Lee Harvey Oswald had had before the assassination with members of the DRE, a CIA-funded Cuban exile organization. The Committee asked the Agency to identify the group’s case officer and provide it with relevant records. The CIA never did this. Instead it brought the former case officer, George Joannides, out of retirement to act as the CIA liaison handling the HSCA’s inquiries on this and other matters. The CIA withheld from the HSCA’s chief counsel and his staff the fact that they were relying for information on the very officer who had handled the matter they were investigating! Congress never was given the information it needed for this part of its investigation.

The HSCA’s former chief counsel, Professor G. Robert Blakey, has stressed the gravity of this in a sworn affidavit. “By concealing his role in the events of 1963, Joannides effectively frustrated the Committee’s investigation into one of the central issues in the investigation of the President’s assassination and the performance of the agencies that President Lyndon Baines Johnson had tasked with the investigation of President Kennedy’s assassination: the role, if any, of the Agency with those who had a hand in the death of the President.”

The HSCA’s work in this area was potentially crucial because:

- (1) it was as a result of Oswald’s confrontations with DRE members in August 1963 in New Orleans that he gained a high public profile as a Soviet defector and pro-Castro sympathizer, and
- (2) it was DRE leaders who within hours of the assassination disseminated this information on Oswald’s background to the press. It was they who ensured that the next day’s headlines painted Oswald as an active pro-Castro Soviet defector.

By covertly using Joannides to deal with the HSCA, the CIA undermined the House investigation. The last official investigation of the Kennedy assassination was thus subverted by the very agency long suspected by some scholars and researchers of having at least covered up something substantive – and perhaps of having even been somehow involved in the assassination. This subversion made a mockery of the democratic accountability intrinsic to congressional investigation.

The AARC calls upon Congress to investigate this CIA malfeasance and require a thorough, fresh probe of Oswald’s pre-assassination contacts with the DRE and other Cuban exile organizations. For Congress not to respond with firm action would be unacceptable in our democracy.

Please note, moreover, that the CIA has disclosed that it is withholding 1,100 JFK assassination-related documents, and intends to block their release at least until 2017. This alone violates the assurance Congress gave that the public would have prompt access to all relevant records. At least some of these withheld documents may relate to Joannides, the CIA case officer for the DRE at the time Oswald had contact with the group. Should that be the case, the CIA concealed salient information from the Warren Commission, the Senate Intelligence [“Church”] Committee, the HSCA, and the citizen body that oversaw the operation of the JFK Act – until it ceased its work in 1998 – the Assassination Records Review Board (the “Review Board”).

In light of the above, the AARC calls upon Congress to enact new legislation that brings the date for full disclosure of all JFK assassination records forward to 2009.

The JFK Records Act requires remedial action in other areas. Some examples:

- \* The Review Board ordered that many records or portions of records that were initially withheld be disclosed at dates prior to 2008. A good deal of such information, however, is still withheld. The National Archives and Records Administration (“NARA”), which has a duty to disclose such materials once the postponement date is reached, does not always do so.

- \* While the Review Board was in existence, many records containing third agency information were referred to third agencies for action. Those agencies have in many cases failed to process the referred materials in timely fashion, and NARA – which maintains the JFK Records Act Collection, has failed to follow through by obtaining it.

- \* It has become clear in recent years that records pertinent to the study of the JFK assassination are not in the JFK Collection – either because they were overlooked by government agencies and the Review Board or because new areas of inquiry have opened up that were previously not perceived as relevant or significant by agencies or the Review Board. In some instances agencies have concealed or destroyed relevant records. Many Church Committee records that should be in the JFK Records Collection are not. The CIA’s file on Eladio del Valle, a significant Cuban exile long suspected of involvement in the assassination, is missing. The Collection does not have the audiotapes of communications between the White House and Air Force One after the assassination. The Review Board failed, for its part, to obtain the records of President Kennedy’s personal physician, Admiral George Burkley. Burkley was the only doctor present both at Parkland Hospital in Dallas, where the President died, and at Bethesda Naval Hospital, where the autopsy took place. Disclosures under the JFK Act have drawn attention to a CIA operation codenamed AM/WORLD, which some researchers suspect is key to a putative plot to kill Kennedy. Few AM/WORLD records have thus far been released, however.

\* In flagrant violation of the JFK Records Act, the Secret Service destroyed records after the Review Board ruled that they were assassination-related. Congress should conduct a full investigation into why this was done and on whose instructions.

\* CBS Television agreed to donate film outtakes of Kennedy assassination materials to the JFK Collection. Yet, researchers contend, only part of its collection has so far been deposited.

\* Kennedy aide Walter Sheridan investigated the President's assassination on behalf of Robert F. Kennedy and worked to discredit the probe by New Orleans District Attorney Jim Garrison. After Sheridan's death, the Review Board's negotiation with his family to obtain his papers was frustrated by NBC Television. Sheridan had worked for the network, and NBC – claiming ownership – took possession of the papers. NBC has not to date turned them over to the National Archives.

\* Mexican television recently reported that the CIA had an agreement with Mexican intelligence that surveillance data gathered on Mexican territory would be shared with the Mexican government. We know that there is or was such material relating to alleged assassin Oswald's visit to Mexico shortly before the assassination – a visit that has long been a subject of controversy. Former HSCA chief counsel Professor Blakey advises that the State Department is currently negotiating with Mexico in an attempt to obtain this surveillance material. It is important that Congress have the State Department report on its progress, or otherwise, on the matter.

\* The CIA entered into an agreement with the Review Board to continue processing any and all JFK assassination records after the Review Board ceased to function. It has not honored that agreement. The result – and this applies not only to the CIA but also to other agencies – is that persons requesting assassination records not already a part of the Collection must proceed under the Freedom of Information Act (“FOIA”) – which is far more restrictive than the JFK Records Act. It was the inadequacy of the FOIA, indeed, that led Congress to pass the JFK Act in the first place. In a real sense, requesters thus find themselves back to Square One. Congress should hold hearings on the need for new legislation to ensure that researchers have access to materials mandated for release under the JFK Records Act.

The House Assassinations Committee concluded in 1979 that, contrary to the Warren Commission's lone assassin finding, “President John F. Kennedy was probably assassinated as a result of a conspiracy.” Leads the Committee passed to the Justice Department for further investigation included, importantly, studies by two distinguished panels of acoustical experts. These studies found that at least four shots had been fired at the President, from two different directions, pointing to more than one shooter and thus to a conspiracy.

Congress has conducted no oversight hearings to determine whether the Justice Department adequately pursued these leads, or whether new evidence has emerged on the acoustics issue.

New evidence has indeed emerged:

(1) Scientists from the Lawrence Livermore Laboratory have discredited the last remaining basis for the “Single Bullet Theory,” which was relied on both by the Warren Commission and the House Assassinations Committee. The Single Bullet Theory posits the notion that President Kennedy and Texas Governor John Connally were both struck by a single bullet fired from Oswald’s Mannlicher-Carcano rifle. The Theory is the sine qua non for the belief that only one assassin was involved. The Livermore Laboratory scientists now say, however, that scientific advances make the Single Bullet Theory inapplicable. They assert, moreover, that bullet fragments tested by the FBI could have come from one – or as many as five – bullets, and could have been fired from a Remington rifle or another weapon other than Oswald’s Mannlicher-Carcano.

(2) In the HSCA’s probe, each panel of acoustical experts supported the other’s findings that the acoustics evidence indicated four or more shots fired from at least two different directions. These studies have now been reaffirmed and strengthened by a peer-reviewed study conducted by an American government scientist, Dr. Don Thomas. If his study is correct, the assassination of President Kennedy indeed remains unsolved.

Other assassination researchers argue, meanwhile, that analysis of the Dallas police tapes and Dealey Plaza photographic evidence fails to support the HSCA’s finding that the sounds of the gunfire in Dealey Plaza were captured by an open microphone mounted on the motorcycle of a police officer in the President’s motorcade. This police tapes/photographic evidence should also be investigated.

I am advised that further tests and studies, undertaken by appropriate experts, could clarify whether the acoustical findings relied on by the House Committee are valid or not. In addition to requesting that you hold public hearings on the overall functioning of the JFK Records Act, therefore, we also call upon your Committee to hold oversight hearings on the state of the acoustical evidence, and on what can be done to resolve the issues outlined.

It is essential that Congress use its muscle to ensure that the JFK Records Act again operates as the lawmakers intended and that government agencies, the CIA included, comply with all its requirements. Congress should also ensure that, notwithstanding the passing of the years, fresh evidence is studied and given a thorough hearing.

To fail to take such action, in a way that is absolutely clear and transparent, would be to invite further erosion of the public trust. A democratic nation lost its elected leader,

in circumstances never satisfactorily explained, and requires nothing less of its elected representatives.