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2 **UNITED STATES DISTRICT COURT**
3 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

4 THE MARY FERRELL FOUNDATION,
5 INC.; JOSIAH THOMPSON; and GARY
6 AGUILAR,

7 Plaintiffs,

8 v.

9 NATIONAL ARCHIVES AND RECORDS
10 ADMINISTRATION,

11 Defendant.

No. 3:22-cv-06176-RS

**DECLARATION OF
JUDITH BARNES**

12 I, Judith Barnes, hereby declare as follows:

13 1. I currently serve as an Archives Specialist in the Office of the Chief Records Officer
14 of the National Archives and Records Administration. I have held this position since 2012. Prior
15 to this position, I worked at the Washington National Records Center (WNRC), a part of the
16 Federal Records Center Program operated by NARA. I hold a bachelor's in history from the
17 University of Connecticut and master's degree in history from the University of North Carolina at
18 Chapel Hill.

19 2. I began my career at WNRC in 1977. In 1994, I served as Chief of the Accession
20 and Disposal Branch, where I was responsible for the authorized destruction of records. Due to the
21 nature of my official duties, I am familiar with the procedures followed by WNRC in destroying
22 records. At that time, I oversaw the activities of approximately 30 staff members who accepted
23 records for storage at WNRC, maintained a database of records transfers (known as accessions),
24

1 reviewed data about records that were eligible for destruction or for accessioning to NARA, and
2 monitored the destruction of records.

3 3. I provide this declaration in support of NARA's motion for partial summary
4 judgment and to provide factual background and historical knowledge relevant to NARA's
5 handling of its responsibilities under the President John F. Kennedy Assassination Records
6 Collection Act of 1992 (the JFK Act).

7 4. The statements contained in this declaration are based upon my personal
8 knowledge, upon information provided to me in my official capacity, and upon conclusions and
9 determinations reached and made in accordance therewith.

10 5. In the mid-1990s, it was the practice of WNRC to provide agencies with a list of
11 records eligible for destruction under approved records schedules. Agencies were given the list --
12 known as the NARS-5 Disposal Concurrence Report 23 -- several months prior to the disposal
13 occurring and had an opportunity to halt destruction if desired. Such a list was created on
14 December 6, 1993 and subsequently provided to the Secret Service, which included several boxes
15 of records of Protective Survey Reports pertaining to former President Kennedy. These fell under
16 records schedule (also called a disposition job) N1-87-89-01. On February 22, 1994, the Secret
17 Service wrote me, directing WNRC to treat Box 7 of accession 087-75B-005 as permanent records.
18 No other boxes in the accession were affected -- i.e. the Secret Service indicated no objection to
19 their destruction. WNRC staff further examined the accession documentation, including the box
20 lists at page 19 of Exhibit A, to ensure that the remaining records were eligible for disposal. Staff
21 initialed disposal lists to indicate this had occurred.

22 6. Once the documentation was reviewed, the records were palletized with other
23 records eligible for disposal and stored at WNRC awaiting destruction. It was not unusual for
24

1 several months to pass between when records were approved for disposal and the ultimate
2 destruction of the records.

3 7. It has long been WNRC's practice to contract with a vendor to pulp all records
4 eligible for destruction, including the specified Secret Service records. The pallets were loaded
5 into tractor trailer trucks and taken to the pulper. The paper was mixed with water so that the
6 original records were not recoverable. The pulp was then made into new paper products for resale
7 on the market.

8 8. I have reviewed a contemporaneous report prepared by Ferris Stoval, the then-
9 Director of WNRC, concerning the disposal of six cubic feet of Secret Service Protective Files.
10 The disposal of these records would have been done by individuals reporting to me at the time. In
11 my extensive experience working with records destruction, I am not aware of any means by which
12 original records could be recovered from new paper products made from recycled paper, even
13 assuming those new paper products could themselves be recovered.

14 I swear under penalty of perjury that the foregoing is true and correct.

15
16 Executed this 18th day of October 2024, in University Park, Maryland.

17
18 
19 Judith Barnes