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13
14 **UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 THE MARY FERRELL FOUNDATION,
17 INC.; JOSIAH THOMPSON; and GARY
18 AGUILAR,

19 Plaintiffs,

20 v.

21 JOSEPH R. BIDEN, in his official capacity as
22 President of the United States; and
23 NATIONAL ARCHIVES AND RECORDS
24 ADMINISTRATION,

25 Defendants.

No. 3:22-cv-06176-RS

**DECLARATION OF WILLIAM
SIMPICH**

Date: 12/13/25

Time: 1:30 pm

Dept: Hon. Richard Seeborg

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I, William M. Simpich, declare:

1. I am an attorney for the Plaintiffs in this action.
2. In 1995, it became public knowledge that officials from the Secret Service stated that they had recently destroyed some of their records from their travels with President Kennedy during the autumn of 1963. These destroyed records included the Tampa Advance Report that was created in the days prior to JFK's visit of 11/16/63. This was a scandal given the passage of the JFK Act in 1992, which stated that all records of the assassination needed to be preserved for posterity.
3. In his book *The Kennedy Detail*, published in 2011, Secret Service agent Gerald Blaine noted that he wrote the Tampa report and had a copy of it and other documents from that era in a box under his bed.
4. I have read Gerald Blaine's book *The Kennedy Detail* shortly after it was published.. He states in the book that he kept his reports on the period about the autumn of 1963 under his bed.
5. Mr. William Kelly informed NARA about the events described above, and he was told that NARA would retrieve the documents from Mr. Blaine. Mr. Kelly provided a declaration to this court about these events in ECF 63-1, paragraph 7.

6. Attached to this declaration as Exhibit 1 are two e-mails sent in 2024 showing that Mr. Kelly received a written response from Gene Morris at the reference branch at NARA after he asked how Mr. Blaine's documents could be reviewed.. Mr. Morris explained that NARA had in tis possession one box of records from Gerald Blaine, with three folders in it: October 1963, November 1963 and December 1963. There were no identification numbers because it was donated by a private individual. These three folders can be seen at <https://www.archives.gov/research/jfk/finding-aids/blaine-papers.html>.
7. Attached to this declaration as Exhibit 2 is a copy of the letter that I sent to opposing counsel on July 24, 2023, summarizing the destroyed and/or removed records identified in the ARRB Final Report and asking counsel to ask NARA to take action regarding these records. I never received a response addressing the concerns in this letter.
8. Attached to this declaration as Exhibit 3 is a copy of an AP article dated Feb. 12, 2025 announcing that the "FBI says it found 2400 new JFK assassination records."
9. In reviewing the files, I noticed that the MFF files MFF only contained a few of the ARRB Final Determinations that were supposed to be published in the Federal Register within 14 days after the date of the

determination of whether and when an assassination record would be publicly released or postponed for disclosure. It is estimated that there should be 27,000 of these Final Determinations created between 1994-1998. Andrew Iler has written two articles detailing how he went to NARA's archives and was told he was being supplied with all of the ARRB Final Determinations. He only found about 450 documents of the 27,000 documents that were issued during the life of the ARRB that should be released in the files and have apparently been removed or destroyed. These articles can be found at

<https://www.kennedysandking.com/john-f-kennedy-articles/why-are-we-still-declassifying-jfk-records-critical-arrb-final-determinations-buried-and-ignored-part-1> and <https://www.kennedysandking.com/john-f-kennedy-articles/critical-arrb-final-determinations-buried-and-ignored-part-2>

I declare under penalty of perjury that the foregoing is true and correct and of my own personal knowledge.

Executed on September 15, 2025, in Richmond, California.



William Simpich

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EXHIBIT 1



Bill Simpich <bsimpich@gmail.com>

Fwd: [25-15029]-Blaine's SS doc RIF #s

Bill Kelly <billkelly3@gmail.com>
To: Bill Simpich <bsimpich@gmail.com>
Cc: Joseph Backes <joebackes@gmail.com>

Thu, Dec 19, 2024 at 12:11 PM

----- Forwarded message -----

From: **Gene Morris** <eugene.morris@nara.gov>
Date: Thu, Dec 19, 2024, 2:06 PM
Subject: Re: [25-15029]-Blaine's SS doc RIF #s
To: William E. Kelly <billkelly3@gmail.com>

William Kelly:

This is in response to your request for information about the JFK Assassination Records Collection. Specifically, you are seeking information on the Record Numbers assigned to the individual documents in the papers that Gerald Blaine donated to the National Archives.

Record Numbers (commonly called RIFs) are assigned only to those records opened pursuant to the JFK Act. Documents open prior to 1992 are not included, nor are documents donated by private individuals, such as Mr. Blaine. All such records that were not assigned record numbers are listed under the Folder Title Lists section of the JFK Assassination Records Collection page.

There is only one box of records from Gerald Blaine and it is designated as Gerald S. Blaine Papers. There are three folders in the box, October 1963, November 1963, and December 1963. The box is located in Stack 650L1, Row 67, Compartment 33, Shelf 1. An appropriate citation might be: NARA, JFK Assassination Records Collection, Gerald S. Blaine Papers. and whichever folder is appropriate.

If you have any further questions, please feel free to respond by return email.

Gene Morris
Archives II Textual Reference Branch (RR2RR)
Room 2400

From: **Bill Kelly** <billkelly3@gmail.com>
Date: Mon, Dec 16, 2024 at 10:55AM
Subject: Blaine's SS doc RIF #s
To: <archives2reference@nara.gov>
Cc: Bill Kelly <billkelly3@gmail.com>

IN 2012, after reading Gerald Blaine's book The Kennedy Detail, I pointed out to Martha Murphy that he said he had a box of SS records under his bed, including the Tampa Advance report thought to have been destroyed.

She obtained these documents and told me they were being processed, but I can't locate the RIF numbers, especially those for the Tampa trip. I need the RIFs as footnotes for an article I am writing.

Can you please send me the RIF numbers for the Tampa trip that were supplied to you by Blaine at my urging?

Thank you,

William Kelly

EXHIBIT 2

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One of three notes: A destroyed records list
Inbox
Search for all messages with label Inbox
Remove label Inbox from this conversation

B

Bill Simpich <bsimpich@gmail.com>
to Andrew, John, Larry

Mon, Jul 24, 2023, 3:08 PM

Andrew and John,

We are still in communication with our clients regarding the issues we must prepare for regarding the CMC and going forward. I will send three posts today in advance of our next meeting set for tomorrow, Tuesday, July 25, 4 pm EDT/1 pm PDT. This is the first one - the other two will come a little later.

Here's my attempt at a thorough list of destroyed and/or missing records identified by the ARRB Final Report. Rather than turn directly to the Attorney General, we propose that the Archivist send this list to officials, clerks, and agencies who were included in communications regarding these records and find out if they can locate responsive records:

1. *HTLINGUAL records*. HTLINGUAL is the crypt for CIA's mail opening and mail cover program for 1952 to 1973. The CIA reported to the Review Board that it destroyed most of its formal HTLINGUAL records in 1990 at the direction of CIA's Office of General Counsel. The CIA sequestered collection, however, does contain several "soft" or working files on Lee Harvey Oswald and the HTLINGUAL project, including the "soft" file held by the Special Investigations Group of the Counterintelligence Staff (CI/SIG). In response to the Review Board's request for additional information, the CIA located additional references to HTLINGUAL records in archival files of the CIA's Deputy Director of Plans (now the Deputy Director of Operations). CIA processed the relevant records for release to NARA. (ARRB Final Report, p. 81 of 227)
2. *FBI "Harvey Lee Oswald" file 105-2137*: The Review Board also sought to determine whether the FBI maintained a file in Mexico City on a "Harvey Lee Oswald" under the file number 105-2137. The Mexico City Legal Attache (Legat)

opened a file on Lee Harvey Oswald (1053702) in October 1963 following Oswald's visit to Mexico City. Some of the documents in the Legat's file contain notations for routing records to a file numbered 1052137, and were captioned "Harvey Lee Oswald." One researcher conjectured that this file would predate the Lee Harvey Oswald file, 105-3702, and might lead the Review Board to other FBI documents on Lee Harvey Oswald. In response to the Review Board's request, the FBI searched its Legat's files for a file numbered 105-2137 and captioned "Harvey Lee Oswald," but it did not find such a file. (ARRB Final Report, p. 81 of 227)

3. *Silvia Duran*: Silvia Tirado de Duran, a Mexican national who worked as a receptionist at the Cuban Consulate in Mexico City at the time of Oswald's visit, assisted Oswald in his quest to apply for a visa to ultimately return to the U.S.S.R., and thus became a key figure in the Mexico City chapter of the assassination story. In the immediate aftermath of the assassination, the Mexican federal security service, *Direccion Federal de Seguridad (DFS)*, arrested and interrogated Silvia Tirado de Duran.

CIA had transcribed intercepts of phone calls made between Silvia Duran and the Soviet Consulate in Mexico City that related to her dealings with Oswald. Duran's statement to the DFS after the assassination corroborated the information in CIA's intercepts that Lee Harvey Oswald went to the Cuban Consulate to request a transit visa. The DFS provided Duran's interrogation reports to U.S. authorities in Mexico City and the reports were widely disseminated to U.S. federal agencies in the immediate aftermath of President Kennedy's death.

Given that the initial ten-page "confession" or interrogation appeared to be a summary report of Duran's account and the statements of several other individuals who also were arrested and questioned with Duran, the Review Board wondered whether the CIA had an "original" transcript from Duran's arrest. The Review Board requested that CIA search for such a transcript, but CIA searches all returned to the ten-page summary and CIA did not locate additional records. (ARRB Final Report, p. 113 of 227)

4. *Tapes, transcripts, and photographs from Mexico City station in existence*. CIA reported that it routinely erased tapes from telephone operations after two weeks, unless CIA identified a conversation on a tape that was of particular intelligence value. CIA stated that it destroyed tape[s] containing Oswald's voice and other related calls as a matter of routine procedure, even though the Mexico City Station's interest in the Oswald conversations at the time that CIA intercepted them was such that the Station transcribed them and reported them to CIA Headquarters

in an October 8, 1963, cable. CIA reported that its interest at the time was in an American talking to the Soviet and Cuban Embassies, not in Oswald in particular, and thus, the tape recordings themselves were not of intelligence value. (Warren Commission attorney David Slawson, who is still alive, reports that he and attorney William Coleman heard Oswald's voice on a CIA tape during April 1964. This tape was also reported to be in CIA custody in the 70s, before being declared as "lost" in the 1980s.) The government of Mexico and its DFS agency also had access to these tapes and may have copies of these tapes to this day.

On the day of the assassination when Oswald was named as the alleged assassin, CIA Headquarters instructed its Mexico City Station not to erase any tapes until it provided further notification. Although CIA did not locate tapes from the September-October time frame, the Review Board's additional requests resulted in CIA's identifying approximately 185 additional tapes from the Station's telephone operation from the days immediately following the assassination and the next few weeks. The Review Board designated all of the tapes as assassination records and the CIA is currently processing the tapes for release to NARA. ARRB Final Report, p. 86 of 227.

The Review Board's efforts to locate new photographic evidence of Oswald in Mexico City were unsuccessful. The Review Board explored the possibility that CIA had additional records pertaining to CIA photographic surveillance of the Soviet Embassy. Although the Mexico City Station ran three operations during the relevant time period, the HSCA investigators found photographic evidence and log sheets from only one of these CIA operations. ARRB Final Report, p. 86 of 227. The three Soviet photographic operations mentioned in the Final Report were LIMITED, LILYRIC, and LICALLA. The ARRB was only able to review the photos and logs from LIMITED; it was given virtually nothing on LILYRIC or LICALLA.

The CIA's failure to ever provide LILYRIC photos remains a sore point. HSCA counsel Ed Lopez, his colleague Dan Hardway, and others wrote a 300-page report that concluded not only that there was a good chance that Oswald was impersonated in Mexico City in September 1963, but that photographs of Oswald and/or the man calling himself Oswald had probably been taken and not provided to the HSCA. If true, the LILYRIC photos would bring this primary evidence to the surface.

Goodpasture testified that LILYRIC photographs were destroyed for space considerations, but she believed that the negatives were still in existence. Deposition of Anne Goodpasture, 12/20/78, p. 51.

A review of the Mexico City records indicates that the June-Dec 1963 LILYRIC photos were destroyed in 1967. Review of Mexico City Station Files at Records Center, HSCA Segregated CIA Collection, Box 26/NARA Record Number: 104-10086-10010.

A couple of LILYRIC photos from October 2, 1963 did survive, apparently due to FOIA requests made promptly after the Act went into effect in 1967. "Chronology of documents released under FOIA". Surviving documents were 935 927F and 935 927G. Russ Holmes Work File/NARA Record Number: 104-10414-10077.

It looks like Goodpasture is correct - although the logs and contact prints from LILYRIC are "missing", the negatives of the LILYRIC photos appear to be on file with the CIA. Goodpasture testimony, 4/13/78, pp. 47-51; Goodpasture Deposition, 11/20/78, pp. 50-51.

The HSCA believed that a CIA memo provided additional evidence that Headquarters had custody of the LILYRIC negatives. "Summary of File Review Conducted at CIA Headquarters on 10/31/78", p. 1, HSCA Segregated CIA Collection (staff notes)/NARA Record Number: 180-10143-10144.

Documents indicate that the file number for LILYRIC appears to be 050-006-074/06, with the title "()FACTOR/()ABSINTH formerly LIEMPTY/LILYRIC". See memo by Anne Goodpasture, LA/M&CAM to Mexico City, 4/21/77, NARA Record Number: 104-10307-10037. Also see Records re Mexico City Photo Operations, NARA Record Number: 104-10413-10023.

Records of these negatives, as well as other photos, tapes, and transcripts, can be found in this CIA chronology. CIA Documents re Transcripts/Tapes/Photos, 1963-1967, Russ Holmes Work File/NARA Record Number: 104-10413-10021. Despite numerous HSCA requests, the LILYRIC negatives were never produced. Lopez's team was frustrated by the realization that this missing evidence made it impossible to evaluate the effectiveness of the Soviet photographic coverage. You can see the handwritten comment "so don't try".

5. *Hoover's subject files on the JFK assassination:* Hoover maintained various subject files (apart from the O&C files), including materials on the

assassination. The Review Board asked the FBI to locate these materials, but the FBI was not able to locate the materials. (ARRB Final Report, p. 120 of 227)

6. *Army Security Agency electronic surveillance from the 1960s*: The Review Board did not locate any additional assassination records from the Army Security Agency's files. Review Board staff searched for information and records concerning ASA electronic surveillance from the 1960s, but was unsuccessful in its efforts to locate any such material. Army personnel provided to the Review Board staff a unit history which gave a generic description of ASA surveillance activities in Mexico City in 1963. The one paragraph that addressed this activity was short, not very detailed, and described the ASA surveillance effort of the Cuban and Soviet Embassies as largely unsuccessful, due to technical difficulties. This paragraph did not provide any raw intelligence or surveillance data.

7. *Army Inspector General 1973 report on domestic surveillance abuses in the U.S.*: In 1997, the Review Board requested that the Army's Inspector General's Office locate and provide a copy of its own 1973 report on domestic surveillance abuses in the United States, in the hope that this document might mention domestic surveillance activity in the early 1960s and provide leads to the Review Board. (The Church Committee cited this report in detail.) The Army IG office responded to the Review Board staff that it could not locate its own report. ARRB Final Report, p. 139 of 227

8. *WHCA audio recordings from 11/22/63*: WHCA was, and is, responsible for maintaining both secure (encrypted) and unsecured (open) telephone, radio, and telex communication between the President and the government of the United States. Most of the personnel that constitute this elite agency are U.S. military communications specialists; many, in 1963, were from the Army Signal Corps. On November 22, 1963, WHCA was responsible for communications between and among Air Force One and Two, the White House Situation Room, the mobile White House, and with the Secret Service in the motorcade.

The Review Board sought to locate any audio recordings of voice communications to or from Air Force One on the day of the assassination, including communications between Air Force One and Andrews Air Force Base during the return flight from Dallas to Washington, D.C. As many people are now aware, in the 1970s, the LBJ Presidential Library released edited audio cassettes of unsecured, or open voice conversations with Air Force One, Andrews Air Force Base, the White House Situation Room, and the Cabinet Aircraft carrying the

Secretary of State and other officials on November 22, 1963. The LBJ Library version of these tapes consists of about 110 minutes of voice transmissions, but the tapes are edited and condensed, so the Review Board staff sought access to unedited, uncondensed versions. Since the edited version of the tapes contains considerable talk about both the forthcoming autopsy on the President, as well as the reaction of a government in crisis, the tapes are of considerable interest to assassination researchers and historians.

Given that the LBJ Library released the tapes in the 1970s, the paper trail is now sketchy and quite cold. The LBJ Library staff is fairly confident that the tapes originated with the White House Communications Agency (WHCA). The LBJ Library staff told the Review Board staff that it received the tapes from the White House as part of the original shipment of President Johnson's papers in 1968 or 1969. According to the LBJ Library's documentation, the accession card reads: "WHCA?" and is dated 1975. The Review Board staff could not locate any records indicating who performed the editing, or when, or where. The Review Board's repeated written and oral inquiries of the White House Communications Agency did not bear fruit. The WHCA could not produce any records that illuminated the provenance of the edited tapes. (ARRB Final Report, p. 114 of 227)

The Review Board further requested WHCA to undertake a broad search for any records reflecting White House communications regarding the assassination, including any communications to or from Air Force One on the day of the assassination. The Commander of WHCA instructed his offices to conduct a search for assassination-related records. WHCA located no additional assassination records. The Review Board then requested that WHCA certify, under penalty of perjury, that it had no other records from the 1963-64 period that might relate to the assassination. WHCA certified that it had no records from the 1963-64 time period nor any records relating to their disposition. (ARRB Final Report, p. 180 of 227)

9. *CIA cables and dispatches re Mexico City and JMWAVE from Sept-Nov 1963*: The Review Board was not able to locate cables or dispatches from the following periods: Mexico City Station to Headquarters (September 26-30, 1963); Headquarters to Mexico City Station (September 26-30, 1963); JMWAVE to Headquarters (September 26-November 21, 1963); Headquarters to JMWAVE (September 26-November 21, 1963); and all traffic between the Mexico City Station and JMWAVE for the periods September 26-October 20, 1963 and November 22-December 30, 1963. (Chapter 6, endnote 9)

The Review Board staff examined CIA's index to DCI John McCone's files, reviewed files of possible relevance, and marked relevant documents as assassination records...McCone records do include memoranda, briefing reports, and transcripts which discuss Oswald, the assassination, and the assassination investigation.

Within the McCone papers, the Review Board noticed several file folders with notations or sheets indicating documents on a wide variety of subjects which are either missing or were destroyed. Of the missing or destroyed documents, two refer to the Kennedy assassination. One document from a 1963 listing is described as "Date of Meeting 26 Nov; Participants DCI & Bundy; Subjects Covered Msg concerning Pres. Kennedy's assassination." The second document is described as "Date of Meeting 19 May 64; Participants DCI, J.J. McCloy; Dinner at Residence Re: Oswald." This document is annotated "Destroyed 12872." CIA historians noted that both documents were missing when they reviewed the files in 1986. The Review Board designated as assassination records all relevant documents from the McCone files including the notations on the destroyed and missing records. (ARRB Final Report, p. 118 of 227)

10. "Operational files" and diaries of CIA officer William Harvey & the Bay of Pigs were destroyed: After the 1967 "assassinations of Castro" report was written. (ARRB Final Report, p. 119 of 227).

11. Records of counterintelligence chief James Angleton were destroyed. This occurred after a three-year review after his firing in 1974. Some were duplicates; some the CIA did not want to keep. The Directorate of Records did not provide destruction records to account for the Angleton files (ARRB Final Report, p. 119 of 227). Here's one three-page list of files that may have been destroyed. one three-page list of files that may have been destroyed.

12. Army record groups. The Review Board staff requested that the Army identify for review under the JFK Act certain additional, discrete record groups. Specifically, the staff asked the Army to locate the 196364 files for top Army officials, including the Secretary of the Army, the Chief of Staff for the Army, the Assistant Chief of Staff for Intelligence, the Assistant Chief of Staff for Operations and Plans, and top officials of the U.S. Army Intelligence and Security Command. The Army located no assassination records in response to the Review Board's requests. (ARRB Final Report, p. 122 of 227)

13. *Carlos Marcello records:* Many of the books on the assassination of President Kennedy discuss the possibility that Carlos Marcello, alleged organized crime boss of New Orleans, was involved in the assassination. In the late 1970s, the FBI investigated Marcello on an unrelated matter of the bribery of organized labor. As part of the "BriLab" investigation, the FBI conducted approximately eight months of electronic surveillance on Marcello's home and on his office at the Town and Country Motel. According to several sources, the "BriLab" tapes contained conversations in which Carlos Marcello or his brother Joseph admitted that they were involved in the Kennedy assassination.

The FBI maintains its tapes and transcripts from the "BriLab" surveillance, but because the FBI's source of authority for the surveillance was 18 U.S.C. sec. 2501 et seq. (Title III), the "take" from the surveillance remained under court seal.²⁵ Thus, the assassination research community was not able to confirm or reject allegations that the tapes or transcripts contain information relevant to the assassination. Once the Review Board obtained a court order allowing it access to the materials, the staff reviewed all of the transcripts from the FBI's surveillance on Marcello in New Orleans. Although the staff did not locate the specific conversations that the researchers mentioned, it did locate thirteen conversations that it believed to be assassination records. Most of the conversations took place in the summer of 1979 during the period that the HSCA released its report. The conversations primarily focused on Marcello's reaction to the HSCA's allegations that he may have been involved in the assassination. With the help of the U. S. Attorney's Office in the Eastern District of New Orleans, the Review Board obtained a court order to release transcripts of the conversations to the public. (ARRB Final Report, p. 127 of 227)

14. *Secret Service documents:* Congress passed the JFK Act of 1992. One month later, the Secret Service began its compliance efforts. However, in January 1995, the Secret Service destroyed presidential protection survey reports for some of President Kennedy's trips in the fall of 1963. The Review Board learned of the destruction approximately one week after the Secret Service destroyed them, when the Board was drafting its request for additional information. The Board believed that the Secret Service files on the President's travel in the weeks preceding his murder would be relevant.

The Review Board requested the Secret Service to explain the circumstances surrounding the destruction, after passage of the JFK Act. The Secret Service formally explained the circumstances of this destruction in correspondence and an

oral briefing to the Review Board. (Note: Some of these files were located after special agent Gerald Blaine wrote about them in his book.)

The Review Board also sought to account for certain additional record categories that might relate to the Kennedy assassination. For example, the Review Board sought information regarding a protective intelligence file on the Fair Play for Cuba Committee (FPCC) and regarding protective intelligence files relating to threats to President Kennedy in the Dallas area (the Dallas-related files were disclosed to the Warren Commission). The FPCC and Dallas-related files apparently were destroyed, and the Review Board sought any information regarding the destruction. As of this writing, the Service was unable to provide any specific information regarding the disposition of these files.

The Secret Service submitted its Final Declaration of Compliance dated September 18, 1998, but did not execute it under oath. The Review Board asked the Service to re-submit its Final Declaration. (ARRB Final Report, p. 170 of 227)

15. *Investigative Records Repository.* The Review Board staff also worked separately with the IRR at Fort Meade, the Army's storage facility for counter-intelligence files. The IRR has released several intelligence files under the JFK Act, including files on Gerald P. Hemming and anti-Castro activists. The IRR was cooperative in determining whether it had any files on other individuals related to the assassination. In many cases, they found no records for the names submitted. The Review Board requested the IRR to determine whether it had any office or work files for certain Army intelligence officials located in the Dallas area in 1963-64. The IRR stated that it had no such files. In addition, the Review Board requested that the IRR provide any additional information or documentation with respect to an Army intelligence dossier maintained on Oswald. The Army destroyed this file in 1973 as part of a program to purge domestic surveillance files. The Review Board developed no new information on the file or its destruction beyond that developed by the HSCA. (ARRB Final Report, p. 178 of 227)

16. *Records for ONI Director Rufus Taylor:* The Review Board requested that the Navy and ONI search for the records of Director of Naval Intelligence Rear Admiral Rufus Taylor. The Review Board acquired a copy of an unsigned September 21, 1964, affidavit regarding Oswald that Taylor appears to have executed and forwarded to Secretary of Defense McNamara. The affidavit states that ONI never utilized Lee Harvey Oswald as an agent or an informant. (See illustration.) [omitted here] ONI did not locate any files belonging to Taylor...The

Navy confirmed that it could not find the 1959-1964 files for the Director of ONI. (ARRB Final Report, p. 121 of 227)

17. *Church Committee hard copy transcripts and accompanying materials cited in its Kennedy assassination report:* After passage of the JFK Act, the Senate Select Committee on Intelligence (SSCI) inventoried the original records of the Church Committee (some 450 boxes) and transmitted approximately 40 boxes of assassination-related records to the JFK Collection. This represented a significant effort by the Committee, as well as by the agencies that reviewed and declassified the records. NARA, however, surveyed the records placed in the Collection and concluded that testimony directly relevant to the Kennedy assassination (and cited in the Kennedy assassination report of the Church Committee) was not included in the released materials. For approximately two years, the SSCI did not explain or rectify this crucial gap in the records provided to NARA.

In 1997, the Review Board wrote to the SSCI and, again, raised the issue of identifying and processing testimony directly relevant to the Church Committee's investigation of the Kennedy assassination, as well as testimony regarding alleged CIA assassination plots against foreign leaders. The SSCI was cooperative and diligent in attempting to locate and forward the specific transcripts that had been identified by the Review Board and NARA. Throughout 1997-98, the SSCI identified and produced scores of microfilmed copies of the requested transcripts. This testimony was processed and placed into the JFK Collection. The transcripts include testimony of FBI and CIA officials who worked on the JFK assassination investigation, as well as officials who testified regarding the alleged assassination plots against Fidel Castro. Among the officials whose testimony was released under the JFK Act were Secretary of Defense Robert McNamara; Deputy Secretary of Defense Roswell Gilpatric; Special Assistant for National Security McGeorge Bundy; former Directors of Central Intelligence John McCone, Richard Helms, and William Colby; Deputy Director of Central Intelligence Marshall Carter; CIA officer John Scelso (alias); Secret Service Chief James Rowley; Assistant FBI Director Alex Rosen; FBI Special Agent in Charge for the Dallas Field Office Gordon Shanklin; and FBI Agent James Hosty.

While the SSCI had been successful in obtaining the microfilmed transcripts requested by the Board, the Review Board remained concerned that the original hardcopy transcripts for this testimony, and any accompanying materials, had not been located by the SSCI or otherwise accounted for. The Review Board asked for access to all 450 boxes of original Church Committee files. Again, SSCI was cooperative and arranged to have the original Church Committee files available for

the Board's inspection (the originals had not previously been reviewed by the staffs of NARA or the Review Board). The Review Board staff inspected all the original files, and additional materials were designated as assassination records. However, the hard copy of testimony cited in the JFK Assassination Report was not among the materials. Although microfilm copies of this testimony were available, the Review Board specifically asked the SSCI to explain the absence of the hard copy files, particularly since they were a discrete and significant body of records relating to the Kennedy assassination. At the time of this Report, the SSCI could not explain the absence of these original transcripts (and perhaps accompanying materials) relating to the Kennedy assassination. (ARRB Final Report, p. 185 of 227)

18. House Judiciary Subcommittee on Civil & Constitutional Rights, Chaired by Congressman Don Edwards (the Edwards Subcommittee): In 1975 and 1976, the Edwards Subcommittee investigated the FBI's destruction of a note that Lee Harvey Oswald delivered to the Dallas Field Office prior to the assassination of President Kennedy. The Review Board raised with NARA's Center for Legislative Archives the issue of whether they had any original files for this subcommittee. The Legislative Archives staff could not identify any such files within its Judiciary Committee records. The Review Board also asked the Clerk's Office of the House of Representatives for assistance in locating these records. Unfortunately, no original records for this subcommittee have been located, although copies of some of these records can be found in the HSCA Collection. (ARRB Final Report, p. 186 of 227)

The Report's Conclusion states:

"The Review Board examined a large number of records in its efforts to identify additional federal records and information related to the assassination, many of which are not detailed in this report. For every assassination record that the Review Board located and included in the JFK Collection, the staff literally reviewed hundreds of documents. The need to review every file on a document-by-document basis meant that the Review Board simply did not have time to request additional information and records on every research lead that it received.

"For those requests that the Review Board staff did make, the Review Board staff team leaders kept notebooks that documented the Review Board staff's efforts to locate additional records at the FBI, CIA, and Department of Defense. To the extent that the public is interested in finding information on the Review Board's additional requests, the notebooks document which records Review Board staff

reviewed and which records the Review Board has designated as assassination-related."

"Plaintiffs request that the Archivist conduct a search in databases that should be searched pursuant to a JFK Records Act search, which includes files that might not be reviewed in an ordinary FOIA search. *See Elec. Frontier Foundation v. United States DOJ*, 376 F. Supp. 3d 1023, 1030 (N.D. Cal. 2019) (The JFK Act...mandates disclosure of records that the FOIA exemptions may protect from disclosure.) Also see *Lopez v. CIA*, 301 F. Supp 3d 78, 90-91 (D.D.C. 2018)

In regards to the CIA, such a search would include, but not be limited to: The Executive Registry, cited in a 4/3/63 memo circulated by deputy CIA director Marshall Carter. The memo states that the CIA's "Executive Registry" was in 1963 "the central document file for the Office of the Director and its Chief is responsible for the control and location of all papers throughout the Office." I understand it is the destination and location of all documentation disseminated within CIA for the attention of the Office of the Director as well as the DDP's Office. For example, the Executive Registry would hold all Church Committee files including those we find that are missing in the released files at NARA. ER (Executive Registry) files are held in storage at the AARC = Agency Archive Record Center in Alexandria, Virginia. Each subject file has a Job # and commences with those two initials "ER."

Operational files, defined as "Operational files are defined in turn to include certain files of the Directorate of Operations, the Directorate for Science and Technology, and the Office of Personnel Security that contain sensitive information about CIA methods." *ACLU v. Dep't of Def.*, 351 F. Supp. 2d 265, 270 (S.D.N.Y. 2005) (citing 50 U.S.C. § 431, the predecessor to 50 U.S.C. § 3142). These include files "which document investigations conducted to determine the suitability of potential foreign intelligence or counterintelligence sources . . . except that files which are the sole repository of disseminated intelligence are not operational files." *Id.*

The National Clandestine Service ("NCS"), because it is "responsible for the clandestine collection of foreign intelligence from human [*10] sources," and The Directorate of Support ("DS"), because it "houses the personnel and physical security functions of the CIA and would be the most likely to contain records of individuals who were applicants, contractors, or employees of the CIA." *Bothwell*, 2014 U.S. Dist. LEXIS 144151, 2014 WL 5077186, at *4

Two notes to follow later today.

William M. Simpich

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EXHIBIT 3

ADVERTISEMENT

POLITICS

FBI says it found 2,400 new JFK assassination records

BY **JAMIE STENGLE**

Updated 9:16 AM PDT, February 12, 2025

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The FBI said it's working to transfer the records to the National Archives and Records Administration to be included in the declassification process.

The federal government in the early 1990s mandated that all documents related to the [Nov. 22, 1963](#), assassination be housed in a single collection at the National Archives. And while the vast majority of the collection — which includes over 5 million pages of records — has been made public, researchers estimate that 3,000 files [haven't been released](#), either in whole or in part.

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"It shows that the FBI is serious about being transparent," said Morley, who is also editor of the JFK Facts blog.

Morley said it sets a precedent for other agencies to come forward with documents that haven't yet been turned over to the National Archives.

Trump's order last month directed the national intelligence director and attorney general to develop a plan to release classified records related to Kennedy's assassination. A spokesperson for the Office of the Director of National Intelligence said that as required by the order, a release plan has been submitted, but offered no details about the plan or a timeline for when records may be made available to the public.

The collection was required to be [opened by 2017](#), barring any exemptions designated by the president. In his first term, Trump said he would allow the release of all of the remaining records but ended up holding some back due to [potential harm to national security](#). And while files [continued to be released](#) under former President [Joe Biden](#), some remain unseen.

The assassination fueled [conspiracy theories](#) for decades. Kennedy was fatally shot in [downtown Dallas](#) as his motorcade passed in front of the [Texas School Book Depository building](#), where 24-year-old assassin [Lee Harvey Oswald](#) was positioned in a sniper's perch on the sixth floor. Two days after Kennedy was killed, nightclub owner Jack Ruby fatally shot Oswald during a jail transfer.

The Warren Commission, established by then-President Lyndon B. Johnson to investigate the assassination, found that Oswald acted alone and that there was no evidence of a conspiracy. But that conclusion never quelled a web of alternative theories over the decades.

Gerald Posner, author of "Case Closed," which concludes that [Oswald](#) acted alone, said one possibility is that the newly discovered files are repeats of documents that are already in the National Archives' collection.

"If they are really new assassination documents, then it raises a whole bunch of questions about how they were missed for all of these years," Posner said.

He said the "wow" would be if they are related to Oswald or the investigation.

The documents [released over the past several years](#) from the collection have offered details on the way intelligence services operated at the time, and include CIA cables and memos discussing visits by Oswald to the Soviet and Cuban embassies during a trip to Mexico City just weeks before the assassination. The former Marine had previously defected to the Soviet Union before returning home to Texas.

Morley said the CIA's surveillance of Oswald has been the "emerging story over the last five to 10 years." He said there could be information on that in the new files.

Associated Press writers Eric Tucker and David Klepper contributed reporting from Washington.