

COPY TO NARROW WEBSTER

## MEMORANDUM

To: John Judge, John Newman, Bill Kelly, John Craig, Mike Shephard, Michael Burns, Art Pineda, Dick Russell, Bob Groden, Al Novis, Jerry Rose, Gaeton Fonzi, Jim Lesar, Larry Howard, Gary Shaw, Paul Hoch, Walt Brown, George Michael Evica, Jim Marrs, Mary Ferrell.

From: Mark S. Zaid, Esq.

Subject: "JFK Records Collection Act of 1992"

Date: November 22, 1992

I have taken the liberty and outlined some of the steps we need to immediately consider if we are to accomplish our goals with respect to the JFK Records Collection Act of 1992.

Here is a rough time table that we must be aware of when determining our plans. The dates represent approximately the deadlines for the prescribed actions to have occurred. John Judge is attempting to determine when the Senate session begins as that is the initial date that will initiate the voting time frames. In this calendar I have used January 27, 1993 as the starting date of the session. "Set date" indicates that the event has to have occurred no later than that date, i.e, it could conceivably occur at a time earlier than that. "Moving date" means that it is an estimated date and the actual date depends on additional factors that will be determined later.

**October 27, 1992**--President Bush signed S. 3006 into law.

**December 12, 1992**--Archivist shall have prepared a standard form of identification for agencies to use for each assassination record. §5(d)(B)(1)(A). ABA, AHA, OAH and SAA must have submitted at least 2 nominations each to the President § 7(b)(4)(B). SET DATE

**December 27, 1992**--NARA shall establish JFK Assassination Collection § 4(a)(1). SET DATE

**January 27, 1993**--Nominations for Review Committee must have been submitted by President § 7(b)(2). SET DATE

**February 27, 1993**--Confirmation hearings will have begun by Senate Committee on Governmental Affairs [date is 30 days after Senate is in session] §7(5)(d)(1). MOVING DATE

**March 13, 1993**--Vote of Committee § 7(5)(d)(2). MOVING DATE

**March 27, 1993**--Vote of full Senate § 7(5)(d)(3). MOVING DATE

**June 27, 1993**--Publication of schedule of review records §9(b)(1).MOVING DATE

**August 27, 1993**--All assassination records must have been reviewed, identified and organized by each government office § 5(c)(1). SET DATE

**September 27, 1993**--Board begins review of records § 9(b)(2). SET DATE

**October 27, 1993**--First report due § 9(f)(2). SET DATE

**October 27, 1994**--Review Board term terminates unless extended. SET DATE

**October 27, 1995**--Absolute last date of life of Review Board. SET DATE

**October 27, 2017**--All assassination records must be disclosed. SET DATE

I have been in touch with the American Bar Association President and I will soon forward a list of names for consideration to the Review Board. Those of you who have received my memorandum on the topic should respond immediately. Charles Sanders, an attorney in New York City, is attempting to discover which person on the Clinton transition team will be reviewing the recommendations. Furthermore, after a document is approved for release by the Review Board it is then to be sent to the President for approval or denial. We should determine which persons on Clinton's staff will be handling this aspect of the procedure.

November 22, 1992

Re: Assassination Records Collection; Memo from Zaid

As you can see by the schedule there are several dates that will be fluctuating with respect to the Review Board. Others are not included such as nominating the Executive Director, Staff, the depositing of records in the Archives, publication of records in the Federal Register, etc., because there is no way these dates can be determined at this time. Most of them depend on when the Review Board is finally established and has its first meeting. In fact, it is important to realize that the September 27, 1993 date for the Review Board to begin its review of the documents is set by law, regardless of even if there is actually a Review Board in existence. The expiration period began to run from the date of enactment of the law, thus more than likely the Review Board will have been established. Probably, we are looking at an April or early May date.

I doubt that any of the nominations to the Board will be controversial. Barring a problematic background check I would be willing to bet that each nominee proceeds through the Committee and the full Senate without much difficulty. Of course, if any of the nominees are rejected we could be facing the possibility of up to an additional two months to place the new nominee on the Board.

It is imperative that we begin to formulate our plan of action immediately. Once nominees are selected we should be prepared to send them a detailed plan of action from the COA for their review. This is regardless of whether that particular person will be chosen to be placed on the Board. There will be at least eight persons nominated for the five member Board. Each should be apprised of what we are trying to accomplish so that they can ask questions regarding their responsibilities. We also want to start planting suggestions in their minds as to possibilities for staff and the advisory committee.

Once the Board has been determined we should be prepared to send a more detailed plan of organization which outlines our immediate priorities. In my opinion the following items need to be organized and requested from researchers as soon as possible.

1. A list of persons, public and private, who should be subpoenaed to disclose information and records;
2. A list of private organizations that should be compelled to disclose records regarding the assassination. Ex. CBS Television, Life Magazine;
3. A list of government documents that have been destroyed and the agency responsible for those records;
4. A list of all records presently under seal of a U.S. or foreign court. Ex. trials of Shaw and Nagell, French Corsicans;
5. A list prioritizing the documents we hope to have released;
6. A list of people who should be recommended to serve on the advisory panel.

John Judge, John Newman and Gus Russo have already drawn up a questionnaire that is designed to solicit some of the above information. If you need copies, please contact them directly or, if necessary, I can supply you with a copy.

Also, take note of the following factors we need to be aware of for future consideration:

1. Nothing in the law disturbs the CIA or HSCA secrecy oaths still binding members of the HSCA staff;
2. FOIA requests that have reached the litigation stage are to be given priority by the Review Board.

Page 3

November 22, 1992

Re: Assassination Records Collection; Memo from Zaid

The Congressional Budget Office projects that the Review Board will require approximately 35 staff members. As I have indicated I am willing to drop whatever I am doing here in Albany if I can secure a position. We need to utilize any contacts we might have, particularly those in Congress, so that we can get some of our people involved with this process. Obviously, the same thought applies to the Advisory Committee. Keep in mind that there are no restrictions as to who can serve on the Advisory Committee while there are several restrictions regarding appointment to the Board and the Executive Director and staff positions.

Furthermore, in the Senate Committee Report on the bill it was indicated in reprinted correspondence that the Ford Library will attempt to offer the records of the Rockefeller Commission by June 1992. I have not seen any news reports pertaining to any such release. Perhaps someone should look into this as soon as possible. Also, the 1995 mandatory review of the approximately 3000 pages still classified from the Warren Commission was moved up to this year and it is expected that at least 2500 pages will be released. Someone should inquire whether this has occurred or not.

If you have any questions or comments, please do not hesitate to contact me.

Address

47 South Lake Avenue, #4  
Albany, New York 12203

Phone

(518) 426-1122

Fax

(518) 427-8674