

2017 & 2018 JFK Releases: Progress, Issues, Recommendations

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SUMMARY

Under the President John F. Kennedy Records Collection Act of 1992 (“JFK Records Act”), the Assassination Records Review Board (“ARRB”) oversaw the declassification of millions of pages of formerly classified records. But a significant number of documents were withheld in full, and many more were withheld with “redactions” (portions withheld from view).

As noted in the ARRB’s Final Report, the JFK Records Act included a provision for full release 25 years after its passage. Specifically, it “mandated that all postponed assassination records be opened to the public no later than the year 2017” unless the President certifies that (1) “continued postponement is made necessary by an identifiable harm to the military, defense, intelligence operations, law enforcement, or conduct of foreign relations” and (2) “the identifiable harm is of such gravity that it outweighs the public interest in disclosure.”

(<https://www.maryferrell.org/showDoc.html?docId=3611#relPageId=33>).

Instead of full disclosure, what occurred was a rolling set of partial releases, 7 so far, along with continued withholding. On the positive side, for the first time the National Archives and Records Administration (NARA) published the newly released documents online in PDF format, a huge boon to researchers. But this process has been marred by errors and confusion, as documented herein.

Currently according to NARA, 15,834 documents remain withheld in part, along with a smaller set still withheld in full. Both the current state of affairs, and the process by which releases have occurred, are less than satisfactory.

This paper documents the recent history of releases and the numerous problems with the process and the current state of affairs. It does not discuss the question of “what’s in the new records?” – suffice to say that there are important documents being uncovered, related to the assassination investigations and also the context of Kennedy Cold War policies, and that the full “digestion” process will take time.

RELEASE HISTORY

After an early release of records in July of 2017, the 25-year anniversary arrived on October 26. Against a backdrop of lobbying by federal agencies, President Trump

signed an authorization for continued withholding of most of the remaining records, release of some, and an accompanying review process with a 6-month deadline.

In November and December of 2017, 4 additional releases happened. When the 6-month review deadline came on April 26, 2018, a seventh release occurred, along with continued withholding and a new review deadline set for 2020.

In all, tens of thousands of documents were released or re-released, though over 15,000 documents remain withheld at least in part.

This table summarizes the seven releases. Due to the number of errors and other issues, the numbers below may not be 100% precise, particularly in identifying how many documents in a given release were formerly withheld-in-full.

DATE	# DOCS	PRESS RELEASE	NOTES
7/24/2017	3,810	press release	441 formerly withheld-in-full, 17 are audio recordings
10/26/2017	2,891	press release	39 formerly withheld-in-full
11/3/2017	676	press release	583 formerly withheld-in-full
11/9/2017	13,213	press release	4 formerly withheld-in-full
11/17/2017	10,744	press release	144 formerly withheld-in-full
12/15/2017	4,217	press release	1,238 formerly withheld-in-full (I.G. report says 3,539 not 4,217)
4/26/2018	18,949	press release	~354 formerly withheld-in-full

The National Archives has taken the important step of publishing these documents online, rather than requiring researchers to visit the NARA's College Park MD facility to inspect paper originals. This process has unfortunately been marred by a number of problems discussed in this paper; nonetheless it is a huge step forward for public access. Documents may be accessed in PDF format at this page, which features a tabbed interface showing 50 records per page, with metadata as well as PDF links:

<https://www.archives.gov/research/jfk/release>

NARA has an additional web page which describes the overall records processing project. Importantly, it includes several paragraphs describing why several hundred records will remain withheld in full. It also explains that a number of records could not be located for release.

<https://www.archives.gov/research/jfk/processing-project>

Three other resources are relevant in this discussion. The first two are the result of Freedom of Information Act (FOIA) actions; the third is a report from NARA's Inspector General.

- 1) [NARA-NGC-2016-000132](#) (2016 FOIA): On 1/21/2016 NARA resolved a request from Michael Ravnitzky, delivery a listing of 3,598 documents which at that time NARA said were withheld in full. This list was later revised to a count of 3,571, and represents NARA's first public accounting of which records remained withheld-in-full.
- 2) [NARA-NGC-2018-000072](#) (2018 FOIA): On 1/29/2018 NARA resolved a request from John Greenewald Jr. of Black Vault with a spreadsheet listing 798 files still withheld-in-full, and an additional 21,092 partially withheld. This latter was the first time NARA published a list of which documents remained withheld-with-redactions.
- 3) [NARA IG Report](#). On 3/29/2018, about four weeks before the 6-month deadline President Trump imposed for a review period, NARA's Inspector General issued a 7-page report which recounted the history of the release process and including a table of document counts (which inexplicably differs slightly from the Mary Ferrell Foundation's accounting in the 12/15/2017 release).

CURRENT STATUS

The good news is that more than 35,000 JFK assassination records were released in the period from July 2017 through April 2018 (less than the earlier table's counts simply added, as some documents were released multiple times over the seven releases). According to NARA's project page, 13,371 formerly-redacted (or fully withheld) documents were released in full. Even better, they were released online in electronic form. The roughly 5-million-page JFK Collection has had hundreds of thousands of new pages added to it.

The new documents come from a wide range of federal agencies, as documented in this table:

AGENCY	# DOCUMENTS
FBI	17,920
CIA	15,955
House Assassinations Committee	1,065
Church Committee	490
NARA (Natl Sec Files)	309
NSA	248
Rockefeller Commission	130
Joint Chiefs of Staff	77
Dept. of Justice	72
Army	67
Other	243

But we are nowhere near full release. According to NARA's project page, there are 15,834 documents still redacted, a far cry from the JFK Records Act's goal of full disclosure. That page also notes that 520 documents remain withheld in full "pursuant to sections 10 and 11" (of the JFK Records Act) – these are mostly IRS records and a few documents donated under a restricted "deed of gift," most prominently William Manchester's 1964 interviews with Jacqueline and Robert Kennedy. However, there are other records besides the section 10 &11 files which are still withheld in full and not acknowledge by NARA; they appear to have "fallen through the cracks" in a somewhat chaotic release process.

The matter of withheld-in-full files that have yet to be released is only one of several issues that remain unresolved. The remainder of this paper is devoted to documenting these problem areas in some detail.

SUMMARY OF ISSUES

- **Excessive and undocumented redactions.** The level of redactions remains high, and in many cases encompasses entire pages and large sections of pages (i.e., not just agent names etc.). The redactions are not marked with the codes previously used to denote the category of withholding.
- **Errors, anomalies, and mysteries in the online data.** Various problems with the online files are widespread and serious, resulting at best in confusion over what has been released.
- **Withheld-in-full files.** NARA has explained why some files are still withheld, but there appear to be others previously noted as "withheld in full," yet still not released.
- **Lack of accountability for the releases and the full collection.** There is no single source of truth for the JFK Collection's status, and these releases were not accompanied by appropriate documentation.

Each of these issues is explored below in depth.

ISSUE 1: EXCESSIVE AND UNDOCUMENTED REDACTIONS

If President Trump had done nothing last October, the National Archives was set to fully release the records which have instead been coming out in drips and drabs, and of which 15,834 still remain partially redacted.

The myth that only agent or informant names and other such highly sensitive information remains redacted is exploded by examining the documents. There remain many records with long runs of pages completely whited out.

This CIA record, for example, was released on 11/3/2017, and has the bulk of its pages whited out:

<https://www.archives.gov/files/research/jfk/releases/104-10170-10121.pdf>

It was re-released on 4/26/2018 with fewer redactions, but still major portions of many pages remain hidden:

<https://www.archives.gov/files/research/jfk/releases/2018/104-10170-10121.pdf>

Another example in the latest release, with multiple runs of several successive blank pages, is: <https://www.archives.gov/files/research/jfk/releases/2018/104-10217-10221.pdf>

There are many many more such examples, including even examples where information which has been public for two decades *has now been redacted*. One such example is the House Select Committee on Assassinations' (HSCA) so-called "Lopez Report" of the Oswald in Mexico City mystery. In the latest version of this document, the word "witting" and three instances of the year "1969" are now redacted after having been in the clear for two decades.

The number of redactions is far beyond even a generous reading of the spirit of the JFK Records Act, which even with Presidential authorization explicitly contemplated withholding only for grave national security issues.

Furthermore, releases prior to 2017 typically featured redaction codes which identified the reason for the redaction. See this sample document:

<https://www.maryferrell.org/showDoc.html?docId=18129&relPageId=2>

This practice was abandoned for the current releases – redactions are unlabeled and give no indication what is being withheld or why. Additionally, many of the document PDF files put online contain only the modified pages, not the entire document (other documents are complete – there is no consistency in this regard). This hinders comprehension of the new records.

In sum, there is a long way to go toward full disclosure. Currently, the announced plan is to re-review over the next two-and-a-half years, with an uncertain outcome at that new endpoint.

ISSUE 2: ERRORS, ANOMALIES, AND MYSTERIES IN THE ONLINE DATA

Such a massive and new undertaking as putting tens of thousands of documents online is bound to have problems, particularly given the last-minute decisionmaking regarding what was to be released. Even so, the number of issues with the online record-keeping is disheartening, and more importantly makes it difficult to obtain and verify the level of disclosure.

Here are some of the issues one runs into when accessing the PDF files on NARA's online page:

- Duplicate records.
- Bad PDF links.
- Multiple records linked to same PDF file.
- Inconsistent and erroneous metadata tagging.
- Records released which do not even exist in NARA's online database.

Each of these is discussed below:

Duplicate records. The 4/26/2018 release, for example, includes 162 documents which were repeated in multiple rows. Typically their PDF links are to two identical (but differently-named) files. But there are exceptions to this, where identically-numbered records point to different PDF files.

An example of this is can be found in rows 1698, 1699, and 1700 of the online dataset (<https://www.archives.gov/research/jfk/release?page=33>), which seem to be three identical rows for FBI record number 124-10274-10125. But these all link to three different PDF files which contain overlapping material but which are different sizes; the first is 597 pages, the second is 779 pages, and the third is 482 pages.

Bad PDF links. Sometimes the PDF file being linked to is a bad link. In many cases, the link is a malformed concatenation of two or three individual PDF links, and the desired file can be obtained by untangling the links, downloading each separately, and combining the results.

Multiple records linked to same PDF file. Often several different records will include the same link. An inquiry to NARA elicited this response: "*We received the FBI NBR records as pdfs where multiple RIFs were grouped together in the same pdf file. We were able to determine which RIFs were included in each pdf but did not have the capability to break out the relevant pages to match the specific RIF. In these circumstances, we therefore pointed multiple RIFs to the same pdf files. It was the best we could do in the time we had.*"

Even when true, this makes it difficult or impossible for the public to determine which numbered record corresponds to which pages, and thus to verify that none are missing. But there are also cases where ARA's answer is clearly incorrect. In one case, two different PDF records point to the same 1-page PDF file, and that one page cannot be both records. In another case in the 12/15/2017 release, 124-10201-10039 and 124-10201-10040 both pointed to the same PDF file, which contained the metadata sheet for 124-10201-10040 followed by a one-page document. It appears the 124-10201-10039 row is mistagged and its record is absent from the online collection.

Inconsistent and erroneous metadata tagging. Confusingly, the column marked “Formerly withheld” contains for various rows the following values: “In Full”, “In Part”, “Redact”, “Release”, “0”, “4/17/2018”, and “” (blank). Determining whether all withheld-in-full documents were actually released required other means than using this column. This process proves especially difficult as the 2016 and 2018 FOIA spreadsheets which marked “withheld” records did not agree with each other, and the list continually evolved.

In a letter to the Chief Archivist dated 3/11/2018 (https://www.maryferrell.org/pages/Featured_Letter_to_Archivist_March2018.htm), the Mary Ferrell Foundation board pointed out that 375 records which were present on the 2016 “withheld records” FOIA spreadsheet, and which had not been released in 2017, were nonetheless omitted from the 2018 spreadsheet noting still-withheld records. When alerted to this, the Archives in a reply claimed that 336 of the 375 had been erroneously included on the 2016 list in the first place. The other 39 were said to be “pending April release” despite being missing from the 2018 listing. Thus neither of the FOIA responses were accurate in this regard. The accounting of these records has not been confidence inspiring.

When queried on the topic of shifting document statuses, the Archives responded: *“please recall that we informed you that the data in the master system was still being updated. In the time since we generated that spreadsheet, I assume that we determined that this document had actually been released in part in the Collection and we corrected the data.”*

Records released which do not even exist in NARA’s online database. NARA has long maintained an online searchable database of all numbered records at <https://www.archives.gov/research/jfk/search>. Unfortunately this database has not been updated since about 2008, so can’t be used to check for metadata updates or current status. But even more surprising has been to see 1,078 numbered records be released which do not appear at all in this “master database.”

An inquiry on some such records elicited this reply: *“These are documents that were previously not in the JFK master system. As you may know, when the database was created, agencies did their own data entry and transferred physical small format floppy disks (state of the art in 1994) to NARA to load into the master system. Agencies could enter up to 500 entries per disk. Often fewer than 500 were entered on any particular disk. Of the hundreds of disks NARA received from the FBI, three were corrupted and could not be loaded (disks 203, 204, and 223). The middle number of the RIF number represents the disk number. You will note that all of the documents without the status noted come from these three disks. The documents themselves were transferred to NARA with the physical RIF attached to the documents. The full text copies were also transferred, so that when the time came to process the records for the 2017 release, we had a means of documenting which documents were not yet released in full. Since we did not have the full metadata in our master system, we just added the RIF numbers to aid us in tracking the 2017 releases.”*

The ramification is that the online database is not a “source of truth” here, which means that there is no publicly available system in which each record is listed. It is also worth noting that NARA has a “working copy” database which is more up-to-date than the publicly available one, which has not been updated since around 2008. Will the public version be updated from the working copy at some point? In January of 2017 the Archives wrote in an email: *“The plan it [sic] to update the on line database once we have received decisions from the agencies and the President (in the case of an appeal) and we have updated the access fields to the most current and accurate information. That process is not yet complete.”* This update has yet to occur.

ISSUE 3: MISSING WITHHELD-IN-FULL FILES

The NARA project page notes that it did not post “520 documents that are continuing to be withheld in full under sections 10 and 11 of the JFK Act.” These are IRS and Social-Security-related documents, and a handful of records donated under a restrictive deed of gift.

The project page also makes note of some files which were opened to the public in physical form, but not posted online:

- Oswald 201 microfilm files deemed to be identical to the already-available 201 file
- HSCA document 180-10125-10179, consisting of 30,000 index cards
- HSCA document 180-10142-10194, which is a used typewriter ribbon
- 10 Rockefeller Commission audio recordings which could not be located at the Ford Library where they are held.
- 79 records which have metadata in the NARA database, but where the physical document could not be located (see <https://www.archives.gov/research/jfk/rif-numbers>).

The 79 records plus recordings which NARA acknowledges have gone missing is itself cause for alarm, but there may be more missing files. It is hard to be sure, because NARA did not identify the record numbers of the 520 “section 10 and 11 files”.

Working backwards from the 2018 FOIA listing of records marked by NARA itself as withheld-in-full record, and subtracting those which were released is one way to reverse-engineer this list. But the numbers don’t add up. There are 182 137-xxxxx-xxxxx records (IRS), 321 179-xxxxx-xxxxx files (DOJ), and 7 176-xxxxx-xxxxx files which appear to be the Manchester deed-of-gift files. But this adds up to only 465 files; even if all of these are from the 520 withheld, where are the other 55?

Additionally, the following files were on the 2018 withheld-in-full list, were *not* released, and do not appear in NARA’s list of the 79 “missing” files. Some of them

appear to be IRS records (marked in yellow), but others clearly are not. If the testimony of CIA officer David Phillips is actually still withheld in full (see orange row), this alone should raise alarm bells.

RECORD NUMBER	AGENCY	TITLE/INFO
104-10291-10021	CIA	[RESTRICTED], 63 pages, NBR
104-10291-10022	CIA	[RESTRICTED], 270 pages, NBR
124-10286-10391	FBI	[No Title], From DIRECTOR, FBI to SAC, SG (7/15/1953)
124-90026-10181	FBI	[No Title], Subjects: HARRY HALL
124-90026-10182	FBI	[No Title], Subjects: HARRY HALL
124-90091-10143	FBI	[No Title], From: US COURTS (AFFIDAVIT)
124-90097-10251	FBI	[No Title], 198 pages, Subjects: CHARLES TOURINE
124-10129-10309	FBI	[No Title]. Subjects: DEMOH, INCOME TAX RETURNS
124-10130-10083	FBI	[No Title], From: PAINE, MICHAEL RALPH, Subjects: MRP, TAX FORMS
124-10130-10136	FBI	[No Title], From: PAINE, MICHAEL RALPH, Subjects: MRP, RHP INCOME TAX
124-10130-10137	FBI	[No Title], From: PAINE, MICHAEL RALPH, Subjects: MRP, INCOME TAX
124-10130-10138	FBI	[No Title], From: PAINE, MICHAEL RALPH, Subjects: MRP, INCOME TAX
124-10158-10060	FBI	[No Title], From: IRS, Subjects: LHP, PRE-RP, REL, INCOME TAX
124-10175-10480	FBI	[No Title], From: FAIN, JOHN W., 379 pages, Subjects: MCO, LHO, FOIA REQUEST, Classification: TOP SECRET
180-10116-10076	HSCA	[No Title], 26 pages, Subjects: KING, MARTIN LUTHER, JR.
180-10120-10010	HSCA	[No Title]. From: HSCA, To: BELL, GRIFFIN, Subjects: BELL, GRIFFIN, SUBPOENA
180-10131-10326	HSCA	[No Title], Record Series: SECURITY CLASSIFIED TESTIMONY, From: PHILLIPS, DAVID ATLEE, Date: 5/11/1978
180-10142-10055	HSCA	[No Title], Classified typewriter ribbon cartridge (presumably accompanies 180-10142-10194?)
202-10002-10134	JCS	[No Title]. Subjects: INFORMATION FURNISHED THROUGH DIPLOMATIC CHANNELS; SITUATION IN CUBA; CHE GUEVERA'S ARTICLE ON GUERRILLA WARFARE

Only 13 documents, not counting the IRS ones, are at issue here. But the larger point is that even generating the list above took a great deal of effort, and this list

itself may be easily be in error. The process is not very transparent and the presence of so many errors in the online dataset makes it worse.

One way of looking at this is that the online process has exposed problems in accounting for the documents that otherwise might have lay hidden, had they just been made available in paper form at the Archives. This general issue of accountability is explored next.

ISSUE 4: LACK OF ACCOUNTABILITY FOR THE RELEASES AND THE FULL COLLECTION

The previous discussion should make it clear that there are issues with accountability and documentation with these new files. The major issues are:

- **Lack of an authoritative catalog.** The NARA online database is missing at least 1,078 records, and has not been updated with current metadata in a decade. The JFK Records Act requires “a central directory comprised of identification aids created for each record transmitted to the Archivist...” (<https://www.maryferrell.org/showDoc.html?docId=3611#relPageId=205>),
- **Lack of documentation of postponements.** The JFK Records Act mandates a process to “publish in the Federal Register a notice that summarizes the postponements approved by the Review Board or initiated by the President...” This process has not been honored. (<https://www.maryferrell.org/showDoc.html?docId=3611#relPageId=212>).
- **Errors in the online access system.** While electronic publishing of these documents was not mandated by the JFK Records Act, NARA has wisely chosen this course. It behooves the agency to ensure accuracy and completeness here; this paper has pointed out some of the errors and problems in that effort. In private communications with NARA, additional detailed descriptions of these issues has been provided. These problems by-and-large appear not yet to have been corrected.

RECOMMENDATIONS

The following actions on the part of the National Archives and the Executive branch of government are recommended:

(1) Full disclosure. The timetable for review should be sped up, and full disclosure of remaining redactions should be effected. If there are particularly sensitive items requiring redaction at this point, each should be:

- a. precise and limited (e.g., limited to an agent or informant name, etc.)
- b. accompanied by a description of what is being withheld and why, as required by the JFK Records Act

Section 5 (g) (2) (D) (i) and (ii) of the Act requires any postponement to be justified by “identifiable harm to the military defense, intelligence operations, law enforcement, or conduct of foreign relations”; and (ii) “the identifiable harm is of such gravity that it outweighs the public interest in disclosure.”

(<https://www.maryferrell.org/showDoc.html?docId=3611&relPageId=207>). This is a very high bar which is clearly not met by the 15,834 currently-redacted records.

Further, the law contains a requirement to “publish in the Federal Register a notice that summarizes the postponements approved by the Review Board *or initiated by the President*, the House of Representatives, or the Senate, including a description of the subject, originating agency, length or other physical description, and each ground for postponement that is relied upon.” [emphasis added].

(<https://www.maryferrell.org/showDoc.html?docId=3611&relPageId=212>). This process has been not been followed.

(2) Correction of errors. The online record listing pages should be corrected. See previous discussion for the nature of these errors. The Mary Ferrell Foundation and other organizations would be happy to provide details of precisely what errors need correcting.

(3) Complete accounting. In this regard:

- a. The NARA online database should be updated with current metadata indicating the status of each document.
- b. The 1,078 numbered documents that have been released but which are not present in the database should be added to it.
- c. To aid tracking and verification, the database search system should be supplemented by browse pages listing each record’s current metadata, organized by record number. For example, each block of records could have a page listing record number and title, with the record number a link to the full metadata. Such a set of pages can be trivially programmed using the master database as its data source.
- d. The documents being withheld under sections 10 and 11 should be listed by record number for clarity, along with a statement regarding any future plans to review them for release.

(4) Report to Congress. There has been no oversight of the JFK Records Act. When the above actions are completed, the Chief Archivist of the US should be a report to the President and Congress signifying completion of the tasks set forth under the JFK Records Act.