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Subject: FBI Update

Much of today has been devoted to the FBI. I have spoken with some Board members and received e-mail messages from others. The events are as follows:1. Louis Freeh responded today to my letter dated October 27, 1997. Freeh's letter states that the Review Board had previously been told that the FBI could not be finished before the year 2001. (If he had responded only one day later we could have referred to it as his April Fools Letter.) A copy has been faxed to all Board members.2. I spoke with Jack about the Freeh letter and subsequent developments. He reported that he and David were never told that FBI would not complete their work by the deadline.3. I completed our monthly report to Burton. I devoted a paragraph to the latest contretemps and attached : (a) my October 27 letter to Freeh outlining the Board's position and policy; (b) Freeh's response to that letter dated today (wherein he says that the FBI cannot comply); and (c) a copy of the November 7, 1997 negotiated agreement with the FBI that establishes a timetable for the completion of the review by September 1998. (The FBI looks terrible on the paper record.)4. Laura and I met with Dan Moll and Jeff Schaffner of Burton's committee for approximately 1 1/2 hours. They were very interested in what was happening and assured us that they want our work to be completed on time and that they support the Board. They themselves had no objection to the release of FBI records without any pre-review -- although we did not propose that. I believe that we fully conveyed to them that we know what we are doing; that the FBI is exaggerating the problem; that we have fully informed the FBI at all proper stages; and that the FBI has made a late change in plans. They are prepared to provide whatever support they can.5. The next steps that we anticipate taking are as follows: (a) I will prepare a response to the Freeh letter; (b) Jack will call Freeh; (c) Laura and I will meet with FBI people on Thursday; (d) we will advise the FBI that we wish to remain on the same schedule that was previously negotiated -- unless the FBI has any improvements to make; (e) if the FBI has not reviewed the requisite number of documents by the time allotted by the schedule, the Review Board will instruct the FBI to transfer to the Review Board a sufficient number of unreviewed records to keep us on schedule; (f) the Review Board staff will conduct the initial review on these records in accordance with Board guidelines; (g) the Board will vote on these records; (h) the records will be transferred to Steve Tilley. Moll and Schaffner were agreeable to this approach. They would like us to begin on this immediately, so that problems can be addressed sooner rather than later.

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