

April 6, 2017

Mr. Michael J. Kurtz
Assistant Archivist for Records Services
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740-6001

Dear Mr. Kurtz:

I am writing in response to concerns raised by NARA about the forthcoming work with the photographic materials from President Kennedy's autopsy that will be conducted by the Eastman Kodak Company in Rochester, New York, at the request of the Assassination Records Review Board.

Specifically, this letter responds to your letter dated October 6, 1997, and to two faxes transmitted to the ARRB staff by Mr. Steven Tilley on October 9, 1997.

We commend NARA's conscientious efforts to fulfill its obligations under the Kennedy deed-of-gift and appreciate your efforts to safeguard the security of the materials. We believe that your attention to these matters has helped provide a secure and workable program for the transport and safe evaluation of the materials.

Enclosed with this letter are technical responses received from Kodak in Rochester addressing NARA's concerns related to the software and information security of the digitized images that will be made from the original autopsy materials, and NARA's questions regarding the light source to be used when the autopsy images are scanned and digitized. We trust that these responses are as satisfactory to NARA as they are to the ARRB staff.

In regard to Mr. Tilley's previously expressed desire for a police escort for the physical transportation of the original autopsy materials from the Rochester airport on November 2, 1997 to Kodak's imaging science resources lab, and from the research lab to the Rochester airport on November 5, 1997, the ARRB has obtained a promise from the FBI to provide the escort services of a special agent of the FBI from its Rochester office for both the arrival and departure of the materials in Rochester. We feel that arranging FBI escort for this purpose is an arrangement that will satisfy all parties, and we are willing to take action which will satisfy any additional measures deemed necessary to safeguard the physical security of these materials.

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We feel that the purposes of the digitization, enhancement and study of the autopsy photographic materials by Kodak at the request and direction of the Review Board staff is well documented in the chain of correspondence between Kodak and the ARRB which commenced in July, 1996, continued in January, February and April of this year, and culminated in the well-documented August 21, 1997 meeting in Rochester, New York at Kodak headquarters attended by key Kodak and ARRB staff members, and Mr. Steven Tilley of NARA.

More important, and perhaps paramount to NARA's expressed concerns about the nature of the digitization and examinations about to be undertaken for the Review Board by Kodak, the Chair of the Review Board, Judge John R. Tunheim, personally raised this issue with Mr. Burke Marshall prior to sending Mr. Marshall a written request to embark on this effort. In the event you have not seen Mr. Marshall's reply, we enclose it with this letter for your convenience.

Everyone concerned has agreed from the beginning that all new images produced by Kodak, regardless of the medium (*i.e.*, whether digital, produced on film or on photographic paper), will be subject to the provisions of the existing deed-of-gift governing the autopsy materials.

We feel that the very stringent security oaths (utilizing the final wording approved by NARA) implemented by Kodak with the limited number of employees involved in this project, combined with the extremely rigorous physical security safeguards worked out jointly among Kodak, the ARRB and NARA, are more than adequate to guarantee the physical security of the autopsy materials during transport to-and-from the Rochester airport and the Kodak lab, and during overnight storage while in Rochester.

Finally, I would like to address NARA's concern about Kodak's need to retain temporarily digitized images and enhancements of autopsy images following the return of the original autopsy materials from Rochester to Washington. The sole need for Kodak to retain temporarily digitized images (subject to the agreed-to software and information security safeguards) is for the purpose of writing a technical report on the results of the examinations requested by the Review Board staff. The ARRB concurs with Kodak's need to temporarily retain this imagery for the purposes of assembling the professional technical paper requested by the ARRB. This final report by Kodak will be completed no later than February 1, 1998, at which time the version of the report containing associated imagery, and all digitized work products retained at Kodak while the report was written, will be returned to NARA for storage with the original deed-of-gift materials. (The version of the report which will become an open document will *not* contain autopsy images.) Given that Kodak has threatened its employees with termination if the conditions of the security oath are violated, and given the strong relationship of trust that has developed between Kodak and the ARRB during our 14 months of

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negotiations on this matter, *the ARRB hereby accepts full responsibility and accountability for safeguarding the security of the digitized images and work products to be temporarily retained by Kodak while writing its technical report.*

We trust the above arrangements and conditions satisfy all reasonable concerns that you may have. The ARRB is satisfied that an excellent physical security plan and software and information security plan are in place.

The value of the *pro bono* work to be performed by Kodak is likely to be close to \$50,000.00 by project's end, far above the initial amount agreed to by Kodak corporate executives during the summer of 1996. Its true value, in clarifying the historical record and restoring the trust of the American people in the institutions of government, may be inestimable. I might add that NARA will benefit from Kodak's work in an archival sense, separate from any desires on the part of the ARRB to clarify the historical record. The digitization of each representative autopsy image by Kodak will provide a permanent record of the autopsy images in their present condition for posterity which will theoretically never deteriorate or degrade in any way. Given that the color transparencies were noted by Kodak experts to have already experienced considerable dye fade, and given that inevitably all photographic images will continue to degrade no matter the quality of the storage conditions, the permanent capture of the present condition of the images through digitization will constitute a noteworthy historical service for the National Archives on the part of Kodak, at no cost, which otherwise would entail considerable cost by the government in an era of cost constraints and tight budgets.

However, it has recently been made clear to the ARRB that this unique opportunity is contingent upon meeting the time window of November 2-7 for the accomplishment of the digitization scanning and enhancement, due to scheduling, labor and resource constraints at Kodak. (Kodak has taken the prudent precaution of shutting down a number of previously scheduled operations in order to guarantee the security of this project.) For these reasons, particularly now that Kodak has responded in detail to NARA's questions about software and information security and scanner light intensity, I am sure you will understand that there is little room for delay and that this project must proceed as presently scheduled.

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The ARRB believes, therefore, that we should proceed with our plans to accompany NARA's representative to Rochester on November 2, 1997. We will continue to coordinate our travel plans with Mr. Steven Tilley, in order to satisfy the narrow time availability generously offered by Kodak.

Sincerely,

T. Jeremy Gunn

Executive Director and General Counsel

Enclosures

cc: Mr. Burke Marshall
Honorable John R. Tunheim