

VIA FACSIMILE

October 30, 1997

Mr. Steven D. Tilley
Chief, Access and FOIA Staff, and JFK Liaison
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740-6001

Dear Steve:

On October 29, 1997 Mr. Horne of our staff spoke with Jim Toner, Laboratory Head of the Imaging Sciences Lab at Eastman Kodak in Rochester, regarding the forthcoming ARRB-Kodak project with the JFK autopsy materials.

Mr. Toner expressed, in unambiguous terms, Kodak's position that it could not proceed with the project unless a methodology, and schedule, was agreed to by all parties for how and when the portions of Kodak's technical report pertaining to autopsy materials would be written. Essentially, Kodak's position is that it cannot allow digitized images to be created for placement in the Archives (for subsequent study by those with authorized access to the deed-of-gift materials) without assurance that it will have adequate opportunity to properly prepare an accompanying technical report that will explain in detail exactly how each image was created (*i.e.*, what equipment was used, and what process was applied to which base digital image, to produce each specific enhancement). ***The only way for Kodak to make its work product truly meaningful and useful, and to protect its corporate integrity, is to produce a detailed written explanation of how each image was created, and what processes it represents (and does not represent).***¹

¹The Kodak technical report will contain a complete background description of all of the equipment hardware and software used to study the autopsy materials, as well as separate entries which address digital scanning, enhancement, and computer software techniques and methodologies, as they were applied to create each hard copy image in the report. Present plans are to have Kodak experts on x-ray film visually examine the autopsy x-rays, and conduct spectral density (optical density) tests which will result in numerical readings (pure data--no images); if it should turn out that

some form of image reproduction of selected x-rays is required to explain visually certain photographic features of interest, then those images would be subject to the same safeguards as the autopsy photographs, and would be published in the same report with accompanying text.

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Mr. Horne worked out a proposed methodology with Mr. Toner which, if approved by you, will constitute the reassurance that Kodak desires in order to proceed with this important project. We feel confident that the terms enumerated below satisfy all of the concerns of Professor Burke Marshall (as explained in his telephone call with ARRB Chair John Tunheim and me on October 29, 1997), NARA, the ARRB and Kodak, and will allow NARA, the ARRB, and Kodak to proceed with our existing plan:

- (1) All hard copy images to be used in a Kodak report will be produced during the ARRB's examinations of the materials in Rochester the week of November 3-7, 1997; these images will directly correspond to each digitized enhancement stored on a JAZ drive. Printing them out hard copy next week as the work is performed will mean that when Kodak imagery specialists commence writing their technical report, they will no longer require access to the images in digitized form.
- (2) As agreed in our conference call with Professor Marshall on October 29, 1997, all digitized *and* hard copy imagery created by Kodak will accompany NARA's designated representative back to Washington, D.C. on Friday, November 7, 1997;
- (3) The ARRB will pay for the travel of a designated NARA employee (or employees) who would travel to Rochester, N.Y. for the two-week period December 8-19, 1997, inclusive, *only* with the hard copy (paper) versions of the enhancements. In the presence of NARA's designated representative, both the draft and final versions of Kodak's technical report requiring use of the images will be prepared; Kodak has committed to accomplishing this within these two weeks. *This arrangement provides the maximum of benefit to all parties:* Professor Marshall's concerns that the images are viewed only under NARA auspices and control are met; NARA and the ARRB will then receive a high quality scientific technical report which will explain exactly what process and methodology each image represents; and Kodak will *not* have to reestablish its elaborate computer information security safeguards previously utilized the week of November 3-7, when the original, digital work was performed.²

²Furthermore, Kodak's strong desire, in the interests of scientific accuracy, to write its technical report as soon as possible after the enhancements are created, when memories of details of testing and procedures employed are still fresh in the minds of Kodak specialists, will have been satisfied.

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- (4) When Kodak's final report is completed (which will be no later than December 19, 1997), the NARA representative in Rochester will return to Washington with the Final Report in hand; it will contain, along with accompanying text, the same hard copy images couriered to Rochester by the NARA representative on December 8, 1997. NARA will possess the only version of the technical report containing imagery, and will accord it the same treatment as all other deed-of-gift autopsy materials.³
- (5) Of course, the same physical security precautions and arrangements presently approved would be implemented for the transport of the hard copy enhancements in December.

Mr. Toner feels this proposal is a workable compromise that fully satisfies the concerns of all parties, and has stated that under its terms, Kodak will allow this important project, into which NARA, Kodak and the ARRB have invested so much planning, to proceed. I am personally confident this satisfies the concerns expressed yesterday by Professor Marshall that the autopsy materials remain under NARA control at all times. Providing you approve of the above methodology for satisfying everyone's concerns in this matter, I will relay that approval to Mr. Toner at Kodak, and we can all then continue to proceed with the evolution as planned. Should you desire to speak with Mr. Toner and myself on a conference call, he is available today between 11:45 A.M. and 1:30 P.M. to discuss this matter. I look forward to hearing from you at the earliest opportunity.

Sincerely,

T. Jeremy Gunn
Executive Director and General Counsel

³As previously agreed, Kodak will prepare copies of the report *without accompanying autopsy images* for ARRB files.