

MEMORANDUM

To: Sheryl Walter
From: Jeremy Gunn
cc: David Marwell
Date: February 16, 1995
Re: Request for Legal Opinion on Pro Bono Legal Work

For several years I have served as *pro bono publico* (unpaid) counsel for the National Coalition for Public Education and Religious Liberty (National PEARL). National PEARL has asked that I serve as their counsel. I am seeking your opinion on whether I may perform unpaid legal work for National PEARL while I am employed at the Assassination Records Review Board (ARRB).

Although I would very much like to continue my affiliation with National PEARL, I do not want to do anything that is either legally or ethically improper or that even gives the appearance of being improper. Hence I seek your opinion on what, if anything, I may do for National PEARL.

National PEARL is a not-for-profit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code. National PEARL engages in education and litigation in the area of public education and religious liberty. National PEARL has never taken any position on any issue pertaining to the JFK assassination and I cannot imagine that it would

ever do so. I have never received any compensation for my work for National PEARL and I would not receive any compensation for my work for National PEARL while I am employed at the ARRB.

I previously offered legal advice to National PEARL while I was an attorney at Covington & Burling. I provided general legal advice and, more importantly, drafted several legal briefs and represented it as attorney of record in several proceedings where it appeared as an *amicus curiae*.

National PEARL has, in the past, taken positions in legal proceedings in the Supreme Court that were at variance with the position taken by the United States. I am fully aware that I cannot represent National PEARL in any proceeding where the United States is a party and where National PEARL takes a position different from that of the United States. I believe that it is entirely possible that National PEARL will, in the future, take positions in legal proceedings that are different from that of the United States.

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Regardless of whether the law actually would permit me to appear voluntarily as an attorney for National PEARL in any legal proceeding, I will not do so as long as I am employed by the ARRB. I will not appear as counsel of record nor will I allow my name to be used on any brief filed in any court for National PEARL while I am affiliated with the ARRB. I would, however, like to continue to perform other *pro bono* services -- including providing general legal advice and advising on legal strategy. May I perform these services?

