

BY FAX

November 17, 1995

Prof. Peter Dale Scott
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Dear Peter:

I am responding to your letter of November 7, 1995, to Jack Tunheim, which you asked be copied to me.

Your letter suggests that you are now prepared to launch a "public debate, if two things do not happen quickly. One is that [the Review Board] communicate [its] intentions to correct this fiasco of de-releasing, not just for MEXI 7029, but for all similar references to the Mexican Government. The second is that I hear from [the Review Board], formally or informally, on what concrete steps [the Board has] taken with respect to the Harvey Lee Oswald materials."

I would like to respond to your letter by making three points.

First, we are all fortunate that we live in a country that provides for freedom of speech and freedom of the press to the extent allowed in the United States. I personally encourage you to use your constitutional rights as you see fit -- whether you choose to criticize the Board, the CIA, or the D.F.S. Indeed, when I heard your COPA talk, it seemed to me that you were not waiting for the Board to act "quickly," but that you had already launched your criticism. I have always expected that some in the research community would criticize the Board whenever it postpones information, just as I fully expected that people within the intelligence community would criticize the Board whenever it releases information that previously had been redacted. The Review Board's overwhelming presumption has been, as you know, to favor disclosure of previously redacted information.

To the extent that a person within the research community suggests, directly or indirectly, that the Review Board must meet specified timing requirements or risk incurring public disapprobation, it would be my personal recommendation that the Review Board not succumb to such pressures.

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Regardless of whether the Board acts quickly to satisfy the requirements you articulated, I fully expect that you will continue to express whatever criticisms you deem appropriate, including those that you expressed at COPA.

Second, you describe a conversation with a Review Board staff member after your COPA talk. You observed that "[a]fter my talk, I had a friendly but frank conversation with a member of your staff. I understood from him that I was considered to be too 'harsh' in suggesting that the ARRB was improperly withholding already known references to the role of the Mexican Government, and particularly the D.F.S." I of course assume that I was the staff member to whom you were attributing these comments.

Your characterization of our conversation troubles me for two reasons. First, I am certain that I made no statement whatsoever regarding the D.F.S. I have in fact never said anything publicly to anyone about the D.F.S. Having said nothing about the D.F.S., I most assuredly did not single it out for the emphasis that you ascribed to me. Moreover, I was disappointed not only in seeing that you had misunderstood me, but that you had chosen to convey your characterization in a letter to the Chairman in the context of advancing an argument that was critical of the Board. Even to the extent that there was -- as I presume was the case -- an honest misunderstanding on your part, the manner and forum in which you chose to recount the conversation nevertheless suggests to me that I must be particularly cautious when speaking to you. I deeply regret this unfortunate development.

I was also disappointed by the way in which you characterized my comments about the supposed "harshness" of your COPA talk. Your description of my message certainly did not convey to me what was meant to be a good-spirited observation. I had intended to say that: (a) I was referring to what another staff member had told me; (b) I said that I personally found your talk to be interesting and I was amused by my fellow staff member's reaction; and (c) I personally enjoy vigorous public debate, even when I may not agree with all opinions that are enunciated. I had thought that I was clear. If not, I apologize and I hope that you can now better understand the message I had tried to deliver.

I would have preferred being able to speak freely with you about the genuine problems that perplex me in this case without fearing that my words might somehow appear, in what was to me an unrecognizable format, and then be used as a part of your disagreement with some of the Board's actions. I personally would prefer to spend my time inquiring into the substance of the records rather than in attempting to set the record straight.

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Third, your letter makes some arguments about why the Review Board has redacted the information that it has. As you well know from your own experience in government, the Review Board can neither confirm nor deny your assertions. I can say, however, that the Review Board takes its responsibilities very seriously and that it is aware of the statements you have made and the arguments you raise. You should also be aware that the process of review is extremely complicated, that it oftentimes demands looking at many different documents simultaneously, that the agencies' approach to what should be classified is continually evolving, that mistakes may be made, and that the Board will reexamine issues as appropriate.

I personally have found your scholarly analyses of the records to be interesting and helpful. I personally do not find helpful your intimation that, unless the Board takes certain specified actions by an acceptable time, you will launch a public debate. I am fully confident that you will continue both to criticize and to compliment the Board as you feel appropriate.

Sincerely yours,

T. Jeremy Gunn
General Counsel
Associate Director for Research and Analysis

cc: John R. Tunheim
David G. Marwell