

## MEMORANDUM

TO: T. Jeremy Gunn

FROM: John R. Tunheim, Chair

DATE: August 6, 1998

Thank you, Jeremy, for your exceptional service to the Assassination Records Review Board and Staff over these past nearly four years. In your roles of overseeing the records review process, serving as the Board's General Counsel and directing the operations of the staff as Executive Director, you have served us extremely well. Personally, I have very much appreciated your intellect and your energy and I have enjoyed working with you. Your presence will be missed over the last two months as we conclude the work of the Board. As I have said, I truly regret your resignation and had hoped that we could keep you until September 30.

In deciding to resign from the Board, you also decided to write a lengthy resignation letter for the record, a letter that requires a response. Throughout the process caused by your decision to accept a new position, the Board communicated clearly and repeatedly its position to you. The Board's position was:

1. We wanted you to stay in your position of Executive Director and General Counsel, full-time, until September 30 when the Board concludes its work.
2. We would not accept your continuing in that role on a part-time basis; the position is too important in our closing weeks. (It is also unclear whether the JFK Act permits a part-time Executive Director).
3. We would also not accept a situation in which the Executive Director worked full-time, but also worked simultaneously in another full-time position.

The Board's position was absolutely clear. Although we greatly preferred your staying with us full-time through the end, we could not accept the alternatives. In your letter, you are confusing our unwillingness to accept a part-time director with a lack of communication. Since we apparently would not provide you with the answer you wanted, you believe we were not communicating with you.

Not once did we tell you that we would not discuss the issue. In fact, I repeatedly raised the issue in an attempt to clarify a very uncertain situation that was growing ever more difficult for staff as time dragged on. During the July 8 conference call in which you announced that you had been told that you were expected to begin your new employment on August 1, I inquired several times whether the start date could be postponed and whether either you or I could call to request the delay in order to permit you to stay with us to the end of

September. You said twice that such a call would be inappropriate. At that time, in the view of the Board, we had run out of options for keeping you as Executive Director.

With the concurrence of the Board, I canceled my court calendar and traveled to Washington with notice to Tracy Shycoff so that I could meet with staff on July 9 to see what options we had for replacing you since it was surely apparent that your departure was imminent. Our discussion was productive, I thought. I was attempting to secure your continued service as a consultant, or in some other type of relationship to ensure some continuity (you agreed to 20 hours a week, with work to be done primarily on weekends) and to gather input on whom the Board might select to replace you as Executive Director and as General Counsel. We particularly discussed the options for the Executive Director position for at least 45 minutes.

I broke from our meeting to call the Board because you told me that in mid-August you might be able to find out whether you could be permitted by your new employer to work full-time for the Board until the end of September. In response, the Board once again decided that it could not continue with the uncertainty—there was no guarantee that you would be here past mid-August at the latest.

Your suggestion that the Board may have violated the Sunshine Act and the Board's rules is completely inaccurate and quite surprising. The Board was faced with the imminent departure of its top staff person with little more than two months remaining and much work to do. I consulted with staff to see who would be willing and able to assume the positions that would be left vacant. No offers or promises were made or intended. I simply spoke with each senior staff member available on that day, including you, Tracy Shycoff, Laura Denk, and Ron Haron. Michelle Combs was at the CIA that day so I was unable to speak with her until early the following week. The Board's later decision was fully supported by staff.

The Review Board needed to resolve this situation. A full-time Executive Director is extremely important for the work of the staff and you continued to be unwilling to provide us with any assurance that you could be here past mid-August despite many opportunities to do so. I do regret that you were unable to continue, and I understand your decision to accept a new position that you feel is an exceptional opportunity. That was your decision and I respect that. It is unfortunate that you believe that the Board somehow was unfair to you. The Board was fully willing and indeed supportive of your continuing full-time as Executive Director until September 30. You were unwilling to continue on those terms.

I appreciate very much your willingness to continue to assist us as necessary. You have been a terrific staff person for us and a major force behind the work of the Board. I offer my best wishes to you in your future work and thank you again for your many services and your dedication to making public the records of the assassination of President Kennedy.

cc: Board Members  
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