

February 4, 1998

VIA FACSIMILE AND FIRST CLASS MAIL

Robert Adler, Esq.
O'Connor & Hannan
1919 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20006

Re: Subpoena Duces Tecum of Robert White

Dear Mr. Adler:

This letter supplements our February 2, 1998 correspondence regarding the subpoena duces tecum issued to your client, Robert White, by United States Department of Justice on behalf of the Assassination Records Review Board. This letter is written as another attempt to determine whether we can come to a satisfactory agreement as to the scope of each of our requests.

The Review Board's mandate pursuant to the President John F. Kennedy Assassination Records Collection Act, is to obtain any and all records and objects that may be reasonably related to the assassination of President John F. Kennedy, and to deposit them within the National Archives. The Review Board has thus far been diligent in its efforts to locate assassination-related records both from government agencies and from private citizens. Mr. Robert White came to the attention of the Review Board, after the Review Board learned that Mr. White had been a close personal friend of Mr. Harold Lincoln and his wife, Mrs. Evelyn Lincoln (the personal secretary to President Kennedy), and that he had received a number of items under the Lincolns' wills. Indeed, a recent article about your client that appeared in the Winter 1997 volume of *The Annapolis Quarterly*, stated that the bequests Mr. White received from the Lincolns "represent 60 percent of White's core collection." Based on this article and Mr. White's own statements about his friendship with the Lincolns, the Review Board concluded that your client probably possesses records or objects that will assist the Review Board in its task of locating assassination-related records.

Our purpose in asking to either see Mr. White's collection or to see a complete inventory of his collection, is to enable us to determine what items we would like to examine as possible assassination records. While our requests might initially appear overly broad, such an approach is occasioned by the fact that we cannot make a determination as to whether your client has any assassination records without knowing exactly what he has. Members of the Review Board staff are uniquely qualified to make an assessment as to what constitutes an assassination-related record or object based on their knowledge of the history surrounding the assassination itself, and the history of the implementation of

the JFK Act. We cannot rely upon the word of an individual who is not a member of the Review Board staff to make the determination that something is or is not an assassination record.

What follows is a list of each of the requests stated in "Attachment B" of the subpoena duces tecum issued to your client. Under each of these requests, we have stated our understanding of your most recent position regarding compliance with the request. In some cases, we have proposed an alternative approach that would narrow the scope of the request. Please review our comments and let us know whether you would be willing to talk with us further about our new requests.

Requests Listed in Attachment B

- 1. All objects that relate to the assassination of President John F. Kennedy, or to his trip to Texas in November, 1963, including for example, bullet fragments, tissue Samples, items from the Presidential limousine, or any items or apparel worn by President Kennedy at the time of the assassination.**

You have stated that your client has no bullet fragments, no tissue samples, no items, no apparel, and no sunglasses. You stated that your client does have swatches from the presidential limousine, a letter from Pierre Salinger, and a "Welcome to Texas" program. Further, you stated that Evelyn Lincoln bequeathed your client a number of personal items that Ms. Lincoln had on her person on the day that President Kennedy was assassinated, including a Polaroid picture of a crowd gathering near the airplane. You stated that these were the only items your client possessed that fell within this category, and that you would be willing to produce these items.

- 2. All records that may relate, directly or indirectly, to the assassination of President John F. Kennedy, including, but not limited to, records pertaining to Jacqueline Kennedy, Governor and Mrs. Connally, Lee Harvey Oswald, Jack Ruby, J.D. Tippit, President Kennedy's trip to Texas in November, 1963, etc.**

You stated that your client has nothing related to Jacqueline Kennedy. You further stated that he does have a bill from Parkland Hospital to Governor Connally, an Easter card with Lee Harvey Oswald's signature, a pamphlet supposedly located in Ruby's pocket on the day he shot Lee Harvey Oswald, a shell casing from the gun used by Ruby to shoot Oswald (which you believe your client obtained from a collector) a contract for a stripper employed at one of Ruby's nightclubs, handwritten notes from Ruby, various other artifacts, and a small file with notes that referred to JFK's trip to Dallas. You stated that your client would produce these items.

- 3. All records of President Kennedy's administration or President Lyndon**

Johnson's administration that relate to the following: Cuba (including, for example, any records that refer to the Bay of Pigs or the Cuban Missile Crisis), Organized Crime, Vietnam (including, for example, any records that refer to President Kennedy's conversations with Maxwell Taylor relating to the Vietnam War), the Secret Service, the FBI, the CIA, and the U.S. Military.

You stated that your client had a calendar from the Cuban Missile Crisis, doodles of JFK during the Cuban Missile Crisis, (both of which you have already produced), a telegram from Krushchev to JFK re: Cuban Missile Crisis, diaries from the 1950's (which you felt were beyond the scope of our statute). With regard to the dicta belts in Mr. White's possession, you stated that they "may or may not" contain a discussion about the Cuban Missile Crisis and/or Vietnam. You stated that your client would produce all of these items, with the exception of the diaries from the 1950's.

4. All records that set forth, list, document, index, catalogue, inventory or identify in any way, the objects or records that are now (or ever have been) in your custody or control that relate to President John F. Kennedy or the Kennedy Administration.

You stated that the Guernsey consignment list is the only document that categorizes Robert White's collection. You also referenced a list that your client compiled in response to our requests under the subpoena, but it was your opinion that this document fell within the "Attorney Client Privilege," and you would not produce it. You further stated that Robert White had so many items in his collection that it could take him "months, if not a year" to inventory all of them.

The Review Board views this request as essential to assisting us in determining whether or not your client has any records or objects that may be assassination-related. Once again, there are huge categories that can be eliminated, such as campaign buttons, publicity-type photographs. We are proposing that you provide a list of categories of items that you do not believe are assassination-related. Once we view this, it may enable us to eliminate numerous categories of items, and it may greatly narrow the number of items that Mr. White would have to inventory.

5. All records you obtained directly or indirectly from Evelyn Lincoln (the personal secretary of President John F. Kennedy), Harold Lincoln (the husband of Evelyn Lincoln), Frank McGuire (beneficiary of Lincoln's will), or from Stephen Blakeslee (the executor of Evelyn Lincoln's estate), at any time, including records you obtained as a beneficiary of Evelyn Lincoln's and/or Harold Lincoln's will.

You were very concerned that this request was over broad, and that the Review Board was merely engaging in a "fishing expedition." You expressed concern about turning

everything over that relates to Evelyn Lincoln, and you stated that you would tell us if there was anything that related to Dallas among the items given to your client by Evelyn Lincoln. You described the items given to Robert White by Evelyn Lincoln as senatorial and White House campaign buttons, thousands of photos of Kennedy (nothing assassination-related), a rocking chair, various items that were on Evelyn Lincoln's desk, trinkets from President Kennedy's desk, miscellaneous notes to Mrs. Lincoln from JFK or Jackie and items that had been retrieved from the trash can. You also described a toy that President Kennedy had received from a child, and an accompanying letter describing the history of the item, that had been prepared by Evelyn Lincoln to Robert White, so that White would be able to know more about the item's provenance. You stated that Evelyn Lincoln had done this with other items she had given to Robert White.

Ultimately, you stated that you were going to object to this request in its entirety. At this time, we are proposing that you prepare and provide us with a list of items received by Mr. White from the Lincoln estate. It's highly possible that the Review Board would not be interested in many of the categories you list. For example, the Review Board would not be interested in Evelyn Lincoln's tax returns or vacation photographs, but would be interested in handwritten notes in any way regarding her work in the Kennedy Administration. Once we have had the opportunity to review the categories, we may be able to significantly narrow the scope of our request. Please let us know your thoughts on such a proposal.

6. **All records that set forth, list, document, index, catalogue, inventory or identify the objects or records of President John F. Kennedy or the Kennedy administration that were in Evelyn Lincoln's estate, Harold Lincoln's estate, or in either of their possession, custody or control at any time.**

You stated that there were no inventories, and explained that the Executor of the Lincoln' estate had not done an inventory. In our last conversation, you stated that your client had nothing to produce under this request.

The Review Board is aware that your client was one of the only persons who did an inventory of the trunks and file cabinets bequeathed under the Lincoln will. We are thus interested in any records or notes made by your client during this inventory process.

7. **All correspondence with other individuals, institutions, or organizations, regarding the terms of Evelyn Lincoln's and/or Harold Lincoln's will.**

You objected to the lack of clarity of this request, and ultimately stated that your client did not have any such items, and that you would be objecting to this request.

It is unclear whether Mr. White possesses any items that fall within this request. We therefore propose that you provide us with a list of any correspondence, notes or records generated by or directed to your client, that in any way discuss the disposition of items in the Lincoln will.

8. **All records pertaining to the sale, transfer, gift, or bequest of any objects or records that relate to President John F. Kennedy, by yourself to any other individual and/or institution.**

You stated that the only thing your client has in this category is business-related and pertains to the Guernsey auction. To the extent we are requesting this, you stated that you would object.

We propose that you provide us with a list of any items or correspondence that pertain to items discussed by your client and Guernseys, but that were ultimately not included in the consignment list.

9. **Any records reflecting the names and addresses of persons or institutions other than yourself with whom you have stored or currently store any objects and/or records that relate to President John F. Kennedy.**

You stated that Robert White's collection is either at Guernsey's or at his mother's house.

10. **All records reflecting the disposition of President John F. Kennedy objects or records from the estate of Evelyn and/or Harold Lincoln, including all correspondence with the John F. Kennedy Library regarding JFK records or objects.**

You stated that Robert White hadn't sold or given away anything that he had received from the Lincoln' estate. You stated that your client has no records that fall under this request.

To the extent that we have misstated your position with respect to any of these requests, please do not hesitate to contact us. We look forward to hearing from you.

Sincerely,